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SUMMARY RECORD OF THE 6th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 23 March 2000, at 10 a.m.

Chairman: Mr. SIMKHADA (Nepal)

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The meeting was called to order at 10 05 a m

STATEMENT BY THE DEPUTY PRIME MINISTER AND MINISTER FOR FOREIGN AFFAIRS OF BELARUS

1 Mr LATYPOV (Belarus) said that the United Nations played a pivotal role in upholding human rights and his Government thus supported the reform of the United Nations as a whole and of its human rights mechanisms in particular It had noted with satisfaction the report of the inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights (E/CN 4/2000/112), and recommended implementation of many of the initiatives it proposed Those initiatives included measures to rationalize and depoliticize further the activities of the Sub-Commission on the Promotion and Protection of Human Rights and measures to ensure balance between thematic procedures in the fields of civil, political, economic, social and cultural rights

2 His Government greatly appreciated the work of the Commission's special rapporteurs, feeling as it did that cooperation with them was a useful way of gaining consultative and technical assistance It hoped that the forthcoming visit of the Special Rapporteur on the independence of judges and lawyers would contribute to its current programme of judicial reform New laws in that field had incorporated the experience and standards of the United Nations and of European regional organizations

3 The international community had a responsibility to ensure that basic human rights and freedoms were respected without discrimination or the exercise of double standards Recent concern about the growth of interference in the internal affairs of developing countries on the pretext of human rights protection or international conflict prevention seemed to be justified Human rights rhetoric must not be used as a tool for the promotion of political and economic interests Unilateral measures adopted by individual States or groups of States against sovereign countries discredited the role of the international community in ensuring respect for human rights

4 Modern international terrorism had become a gross and massive violation of human rights Terrorism was such a complex problem that no country could cope with it unaided All States and international and public organizations must unite to combat that threat His Government believed that the Commission should discuss at its current session the questions of upgrading the status of the Sub-Commission's Special Rapporteur and appointing a special rapporteur on terrorism of the Commission The need to establish a functional commission of the Economic and Social Council on the issue of combating terrorism should also be discussed

5 Attention in his country was currently focused on the forthcoming parliamentary elections A new electoral code had been worked out in cooperation with the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe Elections in new democracies played an important role in strengthening the democratic tradition and raising the legal awareness of the population, factors which had a direct positive effect on respect for human rights All citizens of his country enjoyed equal rights regardless of their ethnicity or religion

There was a high level of social stability in his country, which had a tradition of open political discussion. His Government was ready to cooperate fully with the Commission to strengthen respect for universal human rights and freedoms.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF ANGOLA

6. Mr. CHIKOTY (Angola) said that, according to the Secretary-General's report to the Security Council (S/1998/318), more than 14 of the 53 African States had been involved in armed conflict in the past four years. Africa had more than 10 million refugees and international human rights law was being systematically violated in many countries. Such conflicts clearly jeopardized the harmonious development of the continent. Peace was essential if a culture of human rights was to be promoted, and the Commission's special rapporteurs should make every effort to establish the link between human rights and international humanitarian law.

7. Under the Charter of the United Nations, Member States were obliged to fulfil their international commitments in good faith. No purpose was served by States ostensibly promoting human rights and at the same time encouraging violence and action to destabilize other Member States, thereby undermining international legal standards, encouraging impunity and degrading the general status of human rights.

8. Since independence, Angola had been systematically subjected to armed aggression and destabilization from abroad, which had destroyed much of its infrastructure, taken thousands of lives, left many persons mutilated and more than 1 million internally displaced.

9. When the cold war had ended, his Government had begun the task of pacification and reconciliation, culminating in nationwide democratic elections. Although UNITA had taken part in the elections, it had under external pressure rejected the results and, in defiance of Security Council resolution 864 (1993), had taken up arms once again. The Government had spared no effort to renegotiate peace, but another agreement signed in 1994 had also been violated. Since then, the conflict had created some 3 million more internal refugees, who were living on humanitarian emergency aid, and had left 2 million people dead and more than 100,000 maimed.

10. His Government commended the report of the panel of experts (S/2000/203), recently submitted to the Security Council, on the violations of the sanctions against UNITA. It asked the Commission to take note of that report and hoped that its contents and recommendations would be of use to the Commission's special rapporteurs. Indeed, the work of the panel of experts and its cooperation with the Commission might provide a model for increasing the effectiveness of human rights mechanisms.

11. His Government was convinced that it was possible to implement the principles of Article 1 of the Charter only if States acted in good faith in their international relations. Armed conflicts were known to be a major cause of human rights violations and States should use Security Council resolutions as definitive standards for conflict prevention, management and resolution.

12 His Government was developing an extensive programme of cooperation with the United Nations that would enable it to speed up the incorporation of international human rights standards into its domestic legal system. Although the democratic process was well under way and civil society was becoming increasingly active, the war situation meant that there was still a long way to go before Angolans could enjoy all the fundamental rights and liberties.

13 Nevertheless, he was proud to report that, apart from four cases still being examined by the Working Group on Enforced or Involuntary Disappearances which dated back to 1976, Angola had no cases before the Commission's various mechanisms. Angola attached great importance to human rights issues and would soon be submitting its initial reports to the human rights treaty bodies.

14 His Government was continuing its work of consolidating democracy despite persistent internal and external attempts at destabilization. General elections were scheduled for the current year.

STATEMENT BY THE MINISTER OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

15 Mr. HAIN (United Kingdom) said that, in the twenty-first century, there was no place for the nineteenth-century practices that still accounted for many human rights abuses. His Government fully endorsed, in that connection, the comments made by the representative of Portugal on behalf of the European Union.

16 Contemporary forms of slavery such as forced prostitution, bonded labour, and other forms of abusive labour, persisted in many countries. All the victims were people without power, resources or a political voice, women and children being particularly vulnerable.

17 Domestic violence was possibly the leading cause of injury to women worldwide. His Government had launched an initiative - Living without Fear - to tackle all forms of violence against women, bring abusers to justice and support and protect victims. The United Kingdom's new study of trafficking in women would be shared with its international partners in an effort to coordinate the responses of the countries of origin and of destination.

18 He welcomed the adoption of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and hoped that the Commission would help prepare for a successful outcome to the special session of the General Assembly scheduled for June 2000.

19 Over 250 million children, some aged as young as 4, were engaged in work. Child labour that was not subject to strict regulation and that did not take children's developmental needs into account was destructive, both for individual children and for society as a whole. It damaged children's health and deprived them of education, sentencing them to lifelong poverty and

exploitation. It was vital that the new International Labour Organization (ILO) Convention No. 182 on the worst forms of child labour should enter into force as soon as possible. The United Kingdom had just deposited its instrument of ratification and he called on other States to do so as soon as possible.

20. Globalization, if properly harnessed, could generate extra wealth and help promote and protect human rights. But economic, social and cultural rights, as well as civil and political rights, must be protected in a globalized world and, in that regard, the Commission's work was likely to become more vital than ever.

21. Having paid tribute to Mrs. Robinson for her personal commitment and determination in her difficult job, he said that the work of the High Commissioner for Human Rights would in the future be a catalyst for change. To support the work of the United Nations for human rights, the United Kingdom was, in the current year, contributing US$ 3.2 million to the High Commissioner's Office (OHCHR), US$ 208,000 to the United Nations Voluntary Fund for Victims of Torture, US$ 184,000 to the Voluntary Fund for Technical Cooperation in the Field of Human Rights, US$ 173,000 to support the work of the OHCHR office in Bogotá, and US$ 160,000 to the Trust Fund for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. However, the United Nations could not do everything. It was up to national Governments to ensure that all their people, including the poor and disadvantaged, enjoyed the benefits of globalization.

22. The vicious circle of debt, poverty and economic decline must be replaced by a virtuous circle of debt relief, poverty reduction and economic development. A fundamental step was to remove the debt burden. His Government had led the way in persuading the richest States of the urgency of that task. It wanted to see the proportion of the world's population living in absolute poverty reduced by half by 2015 and to that end had cancelled all remaining bilateral debts owed to the United Kingdom by the 41 heavily indebted poor countries (HIPC). The United Kingdom's total debt relief amounted to over US$ 7 billion. It was also providing special assistance to indebted countries recovering from war or natural disasters. Its target being for 24 countries to receive debt relief by the end of 2000.

23. But debt relief had to lead to a reduction in poverty. It should be used to prioritize education in both national and aid budgets in developing countries, because poor nations could not become rich without skills. The United Kingdom would help where it could, and had already increased its bilateral aid budget by 28 per cent in real terms. It aimed to increase its aid to Africa for primary education, health care and sanitation by 50 per cent, and was funding projects to help people in developing countries acquire entrepreneurial skills or the skills needed by local employers.

24. There was some public scepticism, however, about the value of overseas development assistance, and levels of aid had dropped worldwide. Governments in the developed world needed to convince the public that aid made a difference and Governments in the developing world needed to eliminate corruption, inefficiency and backward economic policies. But the poorest countries must not regard human rights as a luxury: by protecting human rights and pursuing good governance, they could win international confidence and thereby attract more *foreign assistance and investment*. In that way, human rights made humans rich.

25. Although oppression and denial of human rights still persisted, as illustrated by recent events in Chechnya and China, more and more countries were making the connection between economic prosperity and the development of democracy and human rights. In a truly open society, non-governmental organizations (NGOs) should be encouraged. It was not only in international relations that dialogue was better than confrontation, but also at the national level. Civil society helped provide checks and balances, as well as the impetus for new government policies. Human rights defenders, in particular, could be the conscience of their nation - all too often they were themselves the victims of human rights violations. He called on the Commission to establish a new mechanism on human rights defenders.

26. There was general agreement on the need for more efficient United Nations human rights machinery. Its effectiveness depended, however, on the full participation of the countries that created it. The United Kingdom had recently welcomed the United Nations Special Rapporteurs on education, religious intolerance, mercenaries and the independence of judges and lawyers, as well as the Working Group on Arbitrary Detention. Their reports had highlighted his Government's shortcomings and measures were being taken on the basis of those lessons. The United Kingdom authorities attached no conditions to their commitment to cooperating with such mechanisms, which had been shown to be capable of enhancing the human rights work of both the United Nations and national Governments. It was difficult to understand why so many requests for visits by special rapporteurs and working groups went unanswered, and he urged Governments to respond to them positively.

27. The United Kingdom was committed to open dialogue on human rights, to listening carefully and responding to justified criticism. It attached great importance to continued membership of the Commission and wished to see the Commission carrying forward its human rights agenda with vigour and dynamism.

STATEMENT BY THE MINISTER-DELEGATE FOR COOPERATION AND FRANCOPHONIE OF FRANCE

28. Mr. JOSSELIN (France), having associated himself with the statement by the representative of Portugal on behalf of the European Union, said that, after a century in which the very concept of humanity had frequently been challenged, he hoped that the fifty-sixth session of the Commission would be a time to reassert a clear collective vision of democracy, peace and humanism. In that connection, he paid tribute to the Commission's patient work of preparing instruments to protect rights and freedoms, and using the law to mount a defence against arbitrary action. That codification work was important but was not in itself sufficient.

29. The new century had begun on a sombre note, with massacres, forced displacements, burnings and bombings, columns of refugees and overcrowded camps, and programmes and ideologies built on hatred, violence, racism and intolerance. The world's vigilance might have wavered, but its will to resist must not. His Government undertook to make every effort to combat racial discrimination. In October 2000, Strasbourg would be hosting the European Conference against Racism, the preparatory conference for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in South Africa in 2001.

30. He wished to praise the work of NGOs in advancing the cause of human rights. They were the best medium for voicing the concerns of civil society and sounded early warnings that should not be ignored. Human rights defenders, too, had an essential role to play, working as they did on the ground to keep alive the ideal of human dignity and oppose the unacceptable. Without them, resolutions meant nothing. The Commission had a duty, therefore, to establish a mechanism to guarantee the implementation of the Declaration on human rights defenders.

31. The world was undergoing profound changes. Relentless globalization and an unfortunate trend towards economic and behavioural uniformity were bound to produce friction as individuals tried to defend their identities. It was pointless in such circumstances to set the collective against the individual, culture against culture or religion against religion: only by seeking out common features was it possible to attain universal realities. Historical, cultural, political and social differences naturally existed, but that did not mean it was not possible to establish a common set of references such as the major international conventions. For his Government, the ratification and above all the implementation of those conventions should be a prime objective.

32. China's signature of the two International Covenants on Human Rights was thus a positive move. France believed in continued dialogue with China on human rights, although initial contacts had yet to be reflected in action, particularly with regard to the death penalty, the repression of dissidents, and the freedom of association, expression and religion. He called upon the Government of China to ratify the Covenants without delay and to take concrete action to improve its human rights situation.

33. Public opinion in France had been deeply shocked by the reports of alleged human rights violations by both sides in Chechnya. His Government called on Russia to conduct an independent, transparent inquiry into all such allegations, on the basis of regular consultations with the Council of Europe and OSCE. It reiterated its call for an immediate ceasefire and access for humanitarian organizations to Chechnya, and looked forward to the High Commissioner's report on her planned visit there. He wished to make it clear that the reason why his Government did not believe in a military solution in Chechnya was that it hoped for a democratic, peaceful future for Russia. Only an appropriate political framework would lead to a lasting settlement.

34. There had, however, been progress, too, sometimes where it was least expected. Elections had recently taken place in Croatia, Senegal and Iran. The new Indonesian Government, with help from the international community, had restored the political conditions for a peaceful and democratic transition in East Timor, although much remained to be done to guarantee the safe return of the refugees still in West Timor. Moreover, those responsible for human rights violations must be brought to account. His Government understood the wish of the Indonesian authorities to use their judicial process and encouraged them to press on with their efforts to combat impunity. Many African States were firmly committed, despite the problems of economic transition, to setting democracy on a sound footing. In that regard, he welcomed the forthcoming Conference of the New or Restored Democracies, to be held in Cotonou.

35. The previous day, the French Parliament had approved the bill of ratification of the Rome Statute of the International Criminal Court. The Court represented an important step forward in efforts to combat impunity and was a genuine victory for the victims. He called for universal accession to the Rome Statute.

36. As part of its drive to modernize France's legal system in the matter of protecting human rights, his Government had recently enacted legislation on the equal representation of men and women in elections, with a view to promoting women's participation in public life and elected office. It was sometimes necessary to use the law to lift the weight of habit and prejudice. France had also been one of the first signatories of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which introduced, significantly, a mechanism of individual remedy. His delegation would also play an active part in the Beijing Plus Five meeting in June 2000.

37. Given the near-universality of the Convention on the Rights of the Child, he hoped that the two new additional protocols to the Convention, whose drafting had just been completed, would be ratified unconditionally and without reserve by as many States as possible, as instruments for the implementation of specific aspects of that major Convention.

38. The death penalty was a very sensitive issue, given the variety of approaches to the whole question of punishment and pardon. Yet the death penalty could not be just another form of punishment, since by its very nature it ran counter to all efforts to moderate certain social practices. His delegation called for the abolition of - or at least a moratorium on - a punishment that was all the more shocking when applied to minors, the poor or members of minorities who did not always have the material means to ensure an adequate defence.

39. His delegation would be proposing three resolutions at the current session, one of which concerned extreme poverty, a major challenge to the world. Extreme poverty meant a lack of the most basic rights - to subsistence, to health, to education. It was a direct violation of the dignity of the human person and thus of a person's fundamental freedoms and rights. The current process of worldwide economic integration, on the basis of the market economy and free trade, despite its undeniable benefits in terms of growth, was accompanied by increasing social inequality, a potential source of violence and conflict.

40. His Government consequently considered that mechanisms of aid to development which took into account the sometimes perverse social effects of globalization should be adopted. There should also be a fairer approach to the debt problem, particularly for the poorest countries. In general, the most vulnerable sections of the population should be shielded as far as possible from the brutal process of economic transition. He called upon other concerned Governments not only to support initiatives by the international community to that end but also to ensure that their own States were governed by the rule of law, in full respect for human rights and good governance. Along with development and democracy, those were essential elements of a just and peaceful world.

STATEMENT BY THE DEPUTY PRIME MINISTER FOR HUMAN AND MINORITY RIGHTS AND REGIONAL DEVELOPMENT OF SLOVAKIA

41. Mr. CSÁKY (Slovakia) said that the fall of the Berlin Wall, far from heralding the "end of history", had been followed by a number of major problems: hardly manageable internal conflicts of an ethnic, tribal or religious nature, alarming rates of poverty in some developing countries, and humanitarian disasters caused by nature or by man. The new, multipolar world had also to meet the challenges of economic globalization and the revolution in information technology.

42. Nonetheless, considerable progress had been achieved in enhancing human rights mechanisms since the previous session of the Commission. The spirit of compromise that had prevailed in the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission had been commendable, it remained to be seen how far the Working Group's recommendations would contribute to a genuine enhancement. His delegation was open to further negotiations on the issue. He also welcomed the adoption of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which his country intended to ratify shortly.

43. The tenth anniversary of the entry into force of the Convention on the Rights of the Child was being appropriately marked by the elaboration of the draft optional protocols to the Convention on involvement of children in armed conflicts and on the sale of children, child prostitution and child pornography. The Committee on the Rights of the Child had, however, been overwhelmed by its immense workload and an early amendment of its article 43, paragraph 2, to increase the number of members from 10 to 18, would be desirable.

44. A most important development was the increasing acceptance of the concept that violations of human rights could not be justified by the concept of national sovereignty. Slovakia, as an associated country of the European Union, aligned itself with the statement made by the representative of Portugal on behalf of the Union. The people of Slovakia - itself a multi-ethnic and multicultural country - had been following with deep concern the situation in the former Yugoslavia. Like many other countries, it had given assistance after the outbreak of the Kosovo humanitarian crisis. Unfortunately, the situation in Kosovo was far from settled and his Government was ready to play its part in the restoration of civil society there.

45. His Government welcomed the considerable progress made towards lasting peace in the Middle East and the huge efforts made by the countries concerned to close a dark chapter of their history and build a common future that would bring prosperity to all.

46. The adoption in 1998 of the Declaration on human rights defenders had been an important milestone, more, however, must be done to protect the work of human rights activists. His Government had, in that context, recently established an advisory Council for Non-governmental and Not-for-profit Organizations, which he was to chair.

47. The death penalty had been abolished in his country upon the accession of Czechoslovakia to the Council of Europe, that obligation had remained unchanged when Slovakia had become an independent State in 1993. In June 1999, the Slovak Republic had ratified the second Optional Protocol to the International Covenant on Civil and Political Rights.

48. His Government lent its full support to the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. It was regrettable that only 29 of the 155 States parties to the Convention including Slovakia, recognized the competence of the Committee on the Elimination of Racial Discrimination to receive communications from individuals or groups of individuals. He hoped that the number would rise significantly before the World Conference. His Government was ready to contribute organizational capacity and advice to the preparatory process. In that context, he drew attention to a National Conference against Racism, that was to be held on 18 May in Bratislava.

49. Since assuming office in 1998, his Government had committed itself to creating equal opportunities for all its citizens. One of its most outstanding achievements was the participation in the Government of the country's largest national minority, the Hungarian community, of which he himself was a member. Slovakia also had a substantial Roma minority and there had been some difficulty in dealing with a complex issue that had not only a human rights dimension but also very strong social, economic, cultural and sociological implications.

50. The Roma had no organizational structures and there were prejudices on both sides, as well as occasional manifestations of racial intolerance. Efforts were, however, being made to integrate the Roma community into society and to respect its ethnic traditions and human rights. His Government had appointed a commissioner, himself a Roma, who had his own secretariat and a board of advisers, also members of the Roma group. In September 1999, the Government had adopted its Strategy for the Solution of the Problems of the Roma National Minority. A separate fund had been allocated from the State budget to support Roma-oriented projects in cooperation with the non-governmental sector. The fund had been doubled in the current year. In cooperation with the European Union and other Governments, projects to improve the situation of the Roma had been elaborated. The Government was introducing extensive training and educational programmes in the field of human rights protection for graduates of the Police Academy, prison guards, public servants, Roma leaders and Roma NGO activists.

51. Some people discerned a dichotomy between civil and political rights, on the one hand, and economic, social and cultural rights, on the other. However, just as there was no real antagonism between free competition and social solidarity, there was no real antagonism between the two basic sets of human rights. He urged full acceptance of the whole body of internationally recognized human rights as soon as possible.

STATEMENT BY THE DIRECTOR-GENERAL OF THE DEPARTMENT OF FOREIGN AFFAIRS OF SOUTH AFRICA

52. Mr. PITYANA (South Africa) said that, since his country's return to the United Nations in 1994, it had established not only a democratic constitutional State but also institutions to protect that democracy, including the National Human Rights Commission, an independent judiciary, the Office of the Auditor-General and the Office of the Public Protector.

53. His Government had, with a deep sense of history, accepted the High Commissioner's offer that South Africa should host the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001. The timing was good: the world was witnessing much intra-State conflict, which could often be traced to ethnicity, racial discrimination, social prejudice and religious intolerance in Europe, Africa and Asia, as well as anti-Semitism and the marginalization of indigenous peoples and ethnic minorities in the Americas and Australasia.

54. Racism and xenophobia continued to afflict his own country, despite courageous steps taken to promote reconciliation and equality of opportunity and treatment. Initiatives to expose the prevalence of racism - such as the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/2000/16) - could be a first step only. His Government hoped to achieve practical outcomes from the World Conference, in cooperation with other governments and NGOs. Its enthusiasm to act as host for the Conference, however, was unfortunately not matched by its financial capabilities and he therefore appealed to all donor countries to make a generous financial contribution to the voluntary fund established by the Office of the High Commissioner.

55. The fundamental right to decent living conditions, food, basic health care and education remained an illusion for the vast majority of humankind, particularly those in Africa and the rest of the developing world. His delegation hoped that the Commission could forge a consensus to support the working group established by Commission resolution 1998/72 to monitor and review the implementation of the right to development. He urged the Commission to help remove obstacles in the path of such implementation; to promote national development planning, based on human rights norms; to encourage national human rights action plans to integrate all human rights; to call on national institutions to incorporate the right to development into their mandates; and to promote human rights education.

56. His Government was concerned at the fact that the Declaration on human rights defenders was not being fully implemented. His delegation would therefore be working with others to establish a new mechanism to promote the implementation of the Declaration.

57. Africa continued to witness intra- and inter-State conflicts, with terrible consequences for civilian populations. His Government was assisting in finding solutions to such conflicts and noted with alarm the continued large-scale movements of internally displaced persons and refugees. Such conflicts were a distraction from the urgent challenge of development, which would enable people throughout the African continent to enjoy a better life. Constructive international cooperation to rid the world of human rights violations was, however, within the reach of the international community and the Commission was the best forum to achieve it.

58. In January 2000, his Government had presented its first periodic report under the Convention on the Rights of the Child, the first human rights instrument ratified by the new South Africa. His delegation welcomed the elaboration of the two new optional protocols to the Convention. In particular, it welcomed the agreement to raise the minimum age of child soldiers. He urged all Governments to ratify the new protocols and to implement their provisions.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 5) (continued) (E/CN.4/2000/13 and 14 and Corr.1; E/CN.4/2000/NGO/4 and 66-68; A/54/326)

59. Mr. LEGWAILA (Botswana) said that the right to self-determination was the right of all peoples, including the Palestinians. While progress had been made towards realization of the Palestinian people's right, the peace process was a laborious and unpredictable one. Israel would never find peace and security at the expense of the freedom, security and peace of the Palestinians. Those in Israel who believed that there was no need to recognize the right of the Palestinian people to self-determination were jeopardizing the prospects for survival of their own nation. However, if there was to be peace in the Middle East, and for peace between Israel and Palestine to be sustainable, there must be a regional accommodation between Israel and the rest of the Arab world. Israel's occupation of the Golan and southern Lebanon therefore represented a serious obstacle to peace. He urged all the Middle Eastern States to seek negotiated solutions to their longstanding problems.

60. Mr. FERRER RODRIGUEZ (Cuba) said that the right to self-determination was one of the foundations of the post-war international legal order. However, no sooner had colonialism ended, but peoples, and developing countries in particular, were threatened by a new policy of force and domination and foreign models, presented as universal, were imposed on them. The United States of America continued to occupy the naval base at Guántanamo illegally and against the wishes of the Cuban people, thereby compromising the independence, territorial integrity and sovereignty of his country and violating the right of the Cuban people to self-determination. In that context, he wished to reaffirm his country's unequivocal support for the right of the Palestinian people to self-determination and an independent State, and hoped that the current peace process would lead to the rapid realization of that right.

61. He congratulated the Special Rapporteur on his latest report (E/CN.4/2000/14), which shed new light on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. Cuba was taking the necessary steps to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries and regretted the fact that that instrument had not yet entered into force. For 40 years, his country had been the victim of mercenary activity instigated and financed from the territory of the United States, and his delegation was thus anxious to take part in the process of formulating a clearer and more effective legal definition of mercenaries. It fully supported the mandate of the Special Rapporteur.

62. Mr. RAMLAWI (Observer for Palestine) said that the Israeli Minister of Justice had raised three important points: democracy, Israeli occupation and the Jewish State created by the United Nations in 1948. With regard to Israeli democracy, the practices followed by Israel violated the principles that underpinned democracy. The Minister had admitted that his Government continued to occupy the territory of other peoples and, in particular, that of the Palestinian people. There was no justification for foreign occupation, which constituted aggression and a crime. General Assembly resolution 181 (II) had partitioned the land of Palestine into two States: one Jewish and one Palestinian Arab. Since Israel accepted the legitimacy granted to its own State by that resolution, it must admit the equal validity of the

Palestinian State. The official borders of Israel were those delineated in the partition plan and the presence of Israelis outside those borders constituted an illegal and unacceptable occupation that had been achieved by military means. Only when Israel committed itself to resolution 181 (II) would the obstacles to a just and comprehensive peace in the Middle East be removed.

63. The right of the Palestinian people to self-determination was central to the issue of peace in the Middle East. The United Nations General Assembly and the Commission itself had adopted a number of relevant resolutions, all of which affirmed the right to self-determination of the Palestinian people. Nevertheless, the international community was powerless to implement its resolutions because of the policy of selectivity and double standards governing the implementation of international law in the Security Council and the policies of aggression and occupation pursued by Israel. The Palestinian people was forced to live in political and social conditions that made it impossible for it to enjoy its right to self-determination, free of any foreign occupation, a situation which constituted a flagrant violation of human rights.

64. Current negotiations in the peace process were avoiding the issue of the Israeli occupation of Palestinian territory. The Israelis had insisted that the term "redeployment" be used rather than the term "withdrawal". Military redeployment was taking place inside Palestinian territory, maintaining and consecrating the Israeli occupation, while existing settlements were expanded and new ones established on Palestinian land that had been permanently confiscated by the occupation authorities. In place of the right to self-determination, the concept of self-government had been introduced, and the current negotiations, in the form insisted upon by Israel, were not conducive to a just and comprehensive peace in the region.

65. Mrs. ABOULNAGA (Egypt) said that the right to self-determination was not only one of the most important human rights, but also one of the foundations of the international order. In its absence, no other human rights could be enjoyed. Any violation of that right was therefore of the utmost seriousness. The Palestinian people had been struggling for the right to self-determination for more than half a century, while the policies pursued by the Israelis in the occupied Palestinian territories were a cause for the gravest concern. The international community had demonstrated its belief in the right of the Palestinian people to self-determination and its belief that the provisions of the law should be applied to all without distinction or exception.

66. Egypt, in common with many other countries, looked forward to the day when the Israeli occupation, which violated all international laws, would cease. Her Government was doing everything in its power to advance the peace process, believing firmly in international legitimacy, respect for the rights of peoples and their sovereignty over their lands, and the inadmissibility of the occupation of territory by force. As the Minister of Justice of Israel had stated, it was possible that the Middle East was being given its last chance of achieving peace. That chance must not be lost: if it were, it would certainly not be the Arabs who were responsible.

67. Mr. AL-THANI (Qatar) said that, despite changes in the world scene, self-determination would remain one of the basic human rights that must be respected. His delegation was deeply concerned at the violations occurring in the Arab occupied territories, compounding the original violation that the occupation itself had constituted. The Israeli authorities continued to confiscate land and build new settlements, even in Jerusalem. He urged Israel to abide by its commitment to land for peace, thereby giving fresh impetus to the peace process. Agreements already reached must be put into effect. There could be no lasting peace in the region until the Palestinians were accorded their rights, including their right to an independent sovereign State in a liberated Palestine.

68. Mr. OULD SIDI HAIBA (Observer for Mauritania) said that, while most of the world's peoples had achieved independence, the Palestinian people continued to be denied the right to self-determination. The recent resumption of peace talks between the Israelis and Palestinians was certainly welcome, as was the Israeli withdrawal from part of the occupied Palestinian territories. The Commission should continue to prioritize the issue and exert its moral authority in the cause of achieving a just, comprehensive and sustainable peace in the Middle East. Such a peace would re-establish the national rights of the Palestinian people - including their right to an independent State - and bring stability to the entire region.

69. Mr. DEMBRI (Observer for Algeria) said that the Middle East peace process continued to be undermined by non-compliance and shilly-shallying on the part of the Israelis. Great hopes were being placed in the resumption of the talks, but the international community required that promises be translated into concrete action in the context of the legal framework defined by the relevant United Nations resolutions. All too often, security considerations were used as a pretext to prevent the Palestinian people from realizing their right to self-determination. Further delays would only encourage extremists and provoke violence and instability that could not but hamper the peace process. His delegation hoped that the deadlock might soon be broken and international commitments respected. The international community, for its part, must redouble its efforts to help bring about the long-awaited peace, which would entail the establishment of a Palestinian State with Al-Quds (Jerusalem) as its capital. Israel must be urged to return the occupied territories unconditionally and to withdraw from southern Lebanon.

70. In the Western Sahara, the relaunching of the settlement plan - which had been made possible thanks to the United Nations - had given rise to hope. Sadly, the dithering of one of the parties to the conflict continued to delay identification of the electoral body. Student and popular demonstrations in favour of self-determination in El Aaiun, which had been severely repressed, revealed that any deferral or undermining of the referendum process threatened the peace and security of the entire region.

71. Mr. MADI (Observer for Jordan) said that the Palestinian people had for many decades been systematically and severely denied their basic human rights. His Government fully supported the right of the Palestinians to establish an independent State on their own national soil and called upon the international community to recognize such a State once it was declared.

72. The peace talks continued to "limp forward" despite blows and setbacks which were mainly due to the attempts of extremist elements on both sides to impose their own agendas of violence and hatred on the region. The peace process remained as pertinent and strategic an

option as ever for the Middle East. For durable peace and stability to take root, however, all dimensions of the conflict must be comprehensively resolved. That depended above all on Israel's commitment to the implementation of the peace accords. Moreover, respect for deadlines and time frameworks was of the utmost importance. Unless the root causes of the conflict were addressed on the basis of equality, justice and respect for each other's rights, there could be no real peace.

73. The process would not be furthered by unilateral actions and settlement policies aimed at changing the status quo in the occupied territories, particularly the Holy City of Jerusalem. Nor would it be advanced by a continued denial of the fundamental right of the Palestinian people to self-determination. What would further the process would be that which had always been advocated by his Government, namely, an unwavering political will to mutual respect, trust and cooperation, as well as the courage to change and to compromise for the sake of a durable peace.

74. His delegation shared the hope expressed by the Minister of Justice of the State of Israel that Arabs and Israelis would not miss the new window of opportunity presenting itself.

75. Mr. NAZARIAN (Observer for Armenia) said that the enjoyment of individual rights was dependent on the realization of the right of peoples to self-determination. That right, which constituted a major principle of international law, underlay the makings of the map of the world. Attempts to curtail or deny the multiple implementation of that right by limiting it to "one-time enjoyment" should be considered a gross violation of human rights.

76. Some States also attempted to restrict its enjoyment to within their own national territory. A further misinterpretation was to set against the right to self-determination the principle of territorial integrity of States and give priority recognition to the latter. Such blatant attempts to question the very principles of international law resulted in the forced assimilation of small nations, internal displacement and deportation from their homelands.

77. Armenia defended the full realization of the right to self-determination and supported all legal claims and efforts in that respect in any part of the world. The United Nations should be commended for monitoring the unconditional and permanent enjoyment of that right.

78. Mr. MUSAYEV (Observer for Azerbaijan), having stressed his Government's unswerving commitment to the right of peoples to self-determination, the right to determine freely their political status and to pursue their economic, social and cultural development, said that the people of Azerbaijan had legally restored their country's independence by giving effect to that right. The right to self-determination was not, however, intended to encourage secessionist movements or foreign interference and aggression. Rather, its exercise should contribute to safeguarding the political independence and territorial integrity of States and promoting international cooperation. The principle should not be used either to justify territorial expansionism under the pretext of defending "relative" ethnic groups in other States, particularly in multi-ethnic States. Foreign military intervention, aggression and occupation simply deprived the majority of the population of their fundamental rights.

79. Despite the relevant United Nations resolutions concerning the armed conflict between Armenia and Azerbaijan, Armenia persisted in proclaiming the cause of the conflict as "a

striving for self-determination of the Armenian community in the Nagorno-Karabakh region of Azerbaijan". Prior to the conflict, however, the region had enjoyed the widest political, economic and cultural autonomy as part of Azerbaijan. It was therefore a clear case of the use of force against the territorial integrity and political independence of a Member State, namely a gross violation of article 2, paragraph 4 of the Charter of the United Nations.

80. The distinction between the right to self-determination and the rights protected under article 27 of the International Covenant on Political and Civil Rights was explained in Human Rights Committee's general comment 23 (para. 3.1). In respect of every case of proclamation of the exercise of the right to self-determination and with a view to averting bloody conflicts, the international community must carefully distinguish between self-determination on the one hand and aggression on the other. The situation in Azerbaijan might serve as a case in point.

81. Mrs. HAJJAJI (Libyan Arab Jamahiriya) said that her delegation was concerned that selective "humanitarian interventions" - conducted purportedly to end conflicts or to protect the rights of minorities - were being used as a cloak of legitimacy for what amounted to human rights violations. In carrying out such interventions, the major Powers were merely pursuing their own interests, taking advantage of the weakness of poor countries marginalized by globalization in order to "Balkanize" the world still further. Such interventions were clearly in flagrant breach of international law.

82. At its most recent session, the General Assembly had heard calls for a recognition of the right to "humanitarian intervention" in the event of gross human rights violations by States, but that would amount to a violation of the principle of the sovereign independence of all Member States. Not only was "humanitarian intervention" based on an arbitrary interpretation of international law, it was also used as an excuse for expansionism. Moreover, it risked seriously undermining future relations between States, as well as peoples' right to self-determination. Her delegation thus rejected all forms of intervention. Individual Member States were protected by international law; they must not be forced to depend on the will of certain States using their own interpretation of that law to legitimize their actions and ulterior motives.

83. Mr. AHMAD (World Muslim Congress) said that most contemporary conflicts persisted as a result of a denial of the right to self-determination. The conflict in Chechnya was but the latest to be of great concern to human rights defenders. The situation offered a truly disturbing picture indicative of a regression in history and requiring urgent consideration. The Chechens had suffered persecution and humiliation ever since their colonization in the mid-nineteenth century as part of a campaign of cruel military expansion. Ever since, Chechens had been denied the option of freely determining their relationship with Russia. Instead, they had been forced into submission and made subject to alien domination. Chechnya currently symbolized intense human suffering, large-scale death and destruction, negation of human dignity, overt persecution and a devastated civilian population.

84. The Palestinian people had the same right to nationhood and independence as any other sovereign nation. In their bid to vacate alien occupation, they deserved the support and understanding of the international community.

85. In Jammu and Kashmir, reliably documented human rights violations provided irrefutable evidence of State terrorism on the part of India. India's plan was to bring the Kashmiris to their knees. The people of Kashmir failed to understand why their plight had failed to arouse a strong international response. Human rights were not supposed to depend on geopolitical considerations.

86. Ms. HERRERA (Indian Movement "Tupaj Amaru") said that, on the opening day of the Commission's fifty-fifth session, the North Atlantic Treaty Organization (NATO) had opened its campaign against the people of Yugoslavia, with the fervent backing of the United States of America and the United Kingdom of Great Britain and Northern Ireland. The genocide unleashed had consisted of 34,788 combat missions over 80 days. On the first night alone, 371 aeroplanes had participated in bombing Serb territory. United States hegemony had been decisive in the operation: 70 per cent of the aircraft used had been American and, whereas a British submarine had launched five cruise missiles from the Adriatic, United States warships had launched hundreds of missiles.

87. Cluster bombs had been used, aimed at destroying people and property indiscriminately, as well as missiles using impoverished uranium, in violation of the rules of international law, since it carried a serious threat to life and to the environment. Contained inside cluster bombs, missiles with such uranium were as lethal as anti-personnel mines. The United States and other members of NATO, which were directly responsible for the estimated US$ 100 billion damage, should compensate the victims, in accordance with the provisions of international law. The war had also caused a massive exodus of refugees.

88. The military aggression against Yugoslavia, a multinational and multi-ethnic State constituted a flagrant violation of articles 1, 2, 24 and 55 of the Charter of the Geneva Conventions and of the right to self-determination. It had also set an extremely dangerous precedent for intervening in areas where conflicts involving minorities or ethnic cleansing arose, such as the defence of the Chechen people in Russia. It was ironic that the same economic and military Powers supported terrorist "liberation" groups in imposing independence on the Albanians of Kosovo, while denying indigenous peoples, Kurds and Basques the right to self-determination.

89. NATO had had neither the mandate nor the consent of the Security Council, the only organ charged with safeguarding world peace. The war against Yugoslavia had constituted genocide and, as such, was a crime against humanity.

The meeting rose at 1.05 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 7th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 23 March 2000, at 3.30 p.m.

Chairman Mr. SIMKHADA (Nepal)

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GE.00-11893 (E)

The meeting was called to order at 3.45 p.m.

STATEMENT BY MRS. MADELEINE ALBRIGHT, SECRETARY OF STATE OF THE UNITED STATES OF AMERICA

1. Mrs. ALBRIGHT (United States of America) said that she had wanted very much to come personally to affirm America's commitment to international standards of human rights and to the work of the Commission on Human Rights, which had been founded in the aftermath of the Second World War as an instrument for investigating and calling attention to violations of human rights and as a forum for international discussion, consensus-building and action. In that spirit, the United States looked forward to working with each delegation.

2. Two main themes were at the heart of her presentation. First, for all its imperfections, democracy was the single surest path to the preservation and promotion of human rights. Second, no nation should feel threatened by the Commission's work, since its task was to support the right of people everywhere to control their own destinies and to ensure respect for universal rules accepted by Governments almost everywhere.

3. People who were free to exchange ideas, publish their thoughts, organize their labour and invest their capital would contribute far more to their societies than people stunted and held back by repression. It was encouraging to note that in the past quarter century the number of democratically elected Governments had increased from 30 to 120. The previous year, the Commission had approved a resolution affirming, without dissent, the universal right to democracy. It was important that the Commission pursue its efforts and approve in the current session the resolution on the promotion and consolidation of democracy that Romania had drafted and which made clear that democracy required far more than elections. She congratulated the Government of Poland, which in Warsaw in June 2000 would be hosting a major gathering of nations committed to democracy. That community of democracies initiative would reinforce the cause of human rights around the world.

4. One of the lessons of the past century was that those who violated the rights of their own citizens were frequently the cause of instability that crossed national lines. Serbia's Slobodan Milosević had initiated four wars during the 1990s, including a devastating campaign of ethnic cleansing in Kosovo, which had killed thousands and had driven almost a million people from their homes. Having been indicted by the War Crimes Tribunal, Milosević was using the repressive powers of the State to intimidate independent media and political opposition. The Commission should condemn Milosević and help create a stable, democratic and prosperous Serbia.

5. The Commission should also vote on a resolution expressing concern about widespread denials of political, cultural, labour and religious freedom in China. The United States strongly believed that favourable action on that resolution was needed. Although China in recent years had made great progress in the social and economic fields, its human rights record did not match the obligations it had accepted. During the previous year, the human rights situation had

markedly deteriorated, as shown by the arrests of thousands of members of the Falun Gong movement, restrictions on the freedom of worship of Christians, Muslims and Buddhists, and the difficulties encountered by minority groups such as the Tibetans and Uighurs in exercising their cultural and linguistic heritage.

6. The United States also urged the Commission to support the resolution that the Czech Republic and Poland would present regarding the ongoing failure of the Cuban Government to respect the fundamental rights of its people, in particular the rights of free speech and free assembly. Human rights advocates continued to be jailed in Cuba for seeking peaceful democratic change. Specific cases included Marta Beatriz Roque, Vladimiro Roca, Felix Bonne, Rene Gomez and Oscar Biscet. Under President Clinton, the United States had sought more and more contact with the Cuban people and had become the single largest contributor of humanitarian aid to that country. They wanted to help the Cubans prepare for the day their universal rights were finally respected.

7. With regard to Chechnya, the United States understood Russia's need to protect its territorial integrity and to defend its population against terrorism and attacks from insurgent groups, but it objected to the indiscriminate use of force against civilians. Credible reports had been received of human rights violations by Russian forces in Chechnya, including extrajudicial killings. There were also reports that Chechen separatists had committed abuses, including the killing of civilians and prisoners. Thousands of Chechen civilians had died and more than 200,000 had been driven from their homes. The Russian Government had encouragingly decided to name an ombudsman, to accept international experts on its investigative team and to invite the High Commissioner for Human Rights to visit Chechnya. In view of the allegations of violations, the Russian Government should conduct a prompt and transparent investigation of all credible charges, provide the ICRC with unhindered access to all detainees and provide for the re-establishment of the OSCE Assistance Group in the region.

8. The Commission should also speak out against human rights violations committed by the Government of Sudan, including the international crime of slavery, even as it recognized the violations perpetrated by the rebels. It should reiterate its support for a democratic dialogue in Burma and condemn the authorities there for their relentless repression of fundamental rights. It should make clear again its opposition to the denial of basic freedoms and the brutal suppression of dissent by Iraq's Government. The Commission should also express its concern about religious discrimination in Iran against the Baha'i, and about the need for due process in the pending trial of 13 Iranian Jews.

9. One of the Commission's vital tasks was to endorse the two protocols additional to the Convention on the Rights of the Child, addressing the issues of child soldiers and the exploitation of children through prostitution and pornography. The United States would take an active part in preparing the World Conference on Racism. Lastly, her Government appealed to all Governments to support the work of the Commission, with "faith in fundamental human rights, in the worth of every human person, in the equal rights of men and women, and of nations large and small", in order to secure for future generations a world of peace and justice.

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION (agenda item 6) (continued) (E/CN.4/2000/15, 16 and Add.1, and 17; E/CN.4/2000/NGO/18, 28, 53, 69, 102 and 122; E/CN.4/Sub.2/1999/7 and Add.1, and 8; A/54/347)

10. Mr. GLÉLÉ-AHANHANZO (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance), presenting his report (E/CN.4/2000/16 and Add.1), expressed his concern at the powerful manifestations of xenophobia and racism in the lead-up to the World Conference. Three noteworthy events had caught his attention: the rise to power in Austria of the Freedom Party (FPO), attacks on North African migrant workers in the south of Spain and the case of young Amadou Diallo, shot by policemen in the city of New York.

11. The entry of an extreme right-wing party to the Austrian Government needed close attention. There was reason to fear that the Austrian example might be followed and that similar organizations might acquire a new political dynamism and popular sympathy. The European Union had already reacted vigorously and the United Nations should do the same.

12. In El Ejido, in the south of Spain, the murder of a young Spanish woman by a deranged individual of Moroccan origin was followed by punitive expeditions by hundreds of Spaniards against the town's North African inhabitants. Forty-nine persons had reportedly been wounded and much property belonging to foreigners destroyed. Spain had been taken by surprise by that violent outbreak of racism and xenophobia and should make an effort to prepare its population to extend a better welcome and improve its efforts to integrate foreigners, whose numbers were bound to grow, there as elsewhere, according to the studies made by international organizations and the European Union. Such action was necessary in view of the many cases of aggression against foreigners in other Spanish towns mentioned in the report.

13. In the case of the young Guinean immigrant, killed in February 2000 by four policemen who had shot him 41 times, he had found out in the press, since the Government of the United States had not replied to his communication, that the four police officers had been acquitted of murder charges. According to Amnesty International, the Diallo case was one of over a dozen similar cases which had occurred in the previous five years, in the course of which Blacks, Hispanics and members of other minorities had been killed by the police in highly suspicious circumstances.

14. Another situation to which he had paid particular attention was the spread of racist ideologies over the Internet. In previous statements before the General Assembly and the Commission on Human Rights, he had already proposed international discussions to find ways of countering that harmful activity, which no frontier could stop.

15. He had given consideration to the victims of racial discrimination, including the Roma, a minority which was vulnerable in practically all European countries. In the course of his mission to the Czech Republic, Romania and Hungary, from 20 to 30 September 1999, the Governments of those countries had shown themselves very cooperative, open to dialogue and keen to improve the situation of the Roma. Positive measures had been adopted in all three countries, leading to their gradual integration, while respecting their cultural identity.

16. Regarding the follow-up to earlier missions, he noted that the South African Government had adopted a number of measures to combat xenophobia and residual forms of racism and racial discrimination. It had launched a campaign advocating better coexistence with foreigners and the South African Parliament had adopted four-part legislation in favour of equality through positive action to prevent and combat racial discrimination. The French Government had adopted a series of measures to combat racism. The laws on immigration had been revised; the granting of entry visas into France for people from the "south" had been made easier, while the procedure for consideration of the cases of people detained in holding centres and conditions of expulsion had been brought more into line with human rights requirements. There was a danger, however, that those efforts would run up against recent changes in French public opinion. A poll in November 1999 had shown that 69 per cent of French people admitted to being "rather racist", "a little racist" or "not very racist", while only 29 per cent stated that they were "not at all racist". Lastly, the Kuwaiti Government had informed him that it had taken measures to implement his recommendations concerning the Bidoune and migrant workers.

17. With the World Conference looming, there was an urgent need to remember that racism and racial discrimination were not things of the past which could be ignored. The marginalization of human groups because of their ethnic or racial origins should be unremittingly denounced. Racial discrimination should be combated not only using the means of education and penal prosecution, but also through the introduction of economic and social measures to assist persons who were marginalized as a result of discriminatory practices.

18. In conclusion, he proposed that every country concerned should adopt a national plan for the economic and social integration of minorities (ethnic or national), indigenous populations and migrants, on which he would report to the World Conference against Racism.

19. Mr. MENDONÇA E MOURA (Portugal), speaking on behalf of the countries of the European Union, the countries of Central and Eastern Europe associated with the European Union (Bulgaria, Estonia, Hungary, Latvia, Lithuania, Poland, Czech Republic, Romania, Slovakia, Slovenia) and the associated countries (Cyprus, Malta and Turkey), said that the European Union was founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, the rule of law, the right of equality before the law, non-discrimination and respect for diversity.

20. Racism, xenophobia and intolerance were unacceptable because they impaired the exercise of fundamental rights and endangered international peace and security. It was within the responsibility of States to ensure all human rights to all persons within their jurisdiction and to guarantee that they did not suffer from any kind of de jure or de facto discrimination. The States should not only adopt legal systems and administrative practices that were non-discriminatory, but they should also counter discriminatory behaviour through awareness-raising and education campaigns. It was the positive obligation of all States to protect individuals from acts by third parties that impeded the enjoyment of their human rights. It was necessary to build on lessons from the past. In that respect, the Declaration of the Stockholm International Forum on the Holocaust, held in January 2000, was an important contribution in the struggle against racism, xenophobia and intolerance.

21. In a globalized world, where contacts between people of different backgrounds were increasingly numerous, it was important to give full recognition to the principle of equal rights for all individuals without consideration for their social, cultural, national or ethnic backgrounds. Minorities, indigenous people and migrants should be encouraged to take an active part in the struggle against racism and their specific needs should receive special attention. Among those groups, special emphasis should be placed on women, who often suffered the risk of double discrimination, because of their origin as well as their gender. Since weak economic and social conditions and cultural differences were major causes of racist tendencies, it was essential to safeguard all economic, social and cultural rights, as well as civil and political rights, in order to achieve tolerance, equality, social cohesion and stability.

22. It was of extreme importance to recognize that the United Nations was the first international forum to address the problem of racism and xenophobia in a comprehensive manner. In that respect, all States which had not yet done so should be encouraged to join the 155 States in ratifying or acceding to the Convention on the Elimination of All Forms of Racial Discrimination, which was a major instrument in that struggle. The European Union also called on the States parties to that Convention to submit their reports to the Committee on the Elimination of Racial Discrimination without further delay, to make the declaration under article 14 of the Convention and to accept the amendment to article 8, which enabled the Committee to organize itself better financially.

23. With regard to the World Conference against Racism, the European Union thanked the African Group, and especially the Ambassador of Senegal, for their contribution to the preparatory process and reaffirmed its commitment to work with all its partners in a spirit of cooperation and mutual understanding at the first preparatory committee that would be held at the beginning of the following month. In order to prepare the World Conference, the Council of Europe would be organizing a conference in Strasbourg, in October 2000, entitled "All different, all equal: from principle to practice - European contribution to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance", in an evolving continuity with the 1995 youth campaign "All different, all equal". The European Union believed that the contribution of NGOs and civil society in combating racism and racial discrimination was essential. It therefore supported the full participation of NGOs, both in the World Conference itself and in the national and regional preparatory processes.

24. The European Union condemned all acts of anti-semitism, racism and xenophobia. It favoured vigorous measures designed to combat them whenever and wherever they occurred within the Union. In accordance with article 13 of the Treaty establishing the European Community, the Council could adopt every necessary measure to fight discrimination founded on sex, race or ethnic origin, on religious belief or on conscience, on any handicap, on age or on sexual orientation. Anti-discriminatory legislative measures and a Community Action Programme to combat discrimination (2001-2006) were under consideration. By adopting those measures, the European Union was taking a major step to effectively combat discrimination, as well as to ensure equal treatment in the important realms of employment and the social sector. Furthermore, the new article 29 of the Treaty on European Union mentioned the struggle against racism and xenophobia as one of the means of developing an area of freedom, security and justice. On 15 July 1996, the Council had already adopted a Joint Action to ensure effective

judicial cooperation between member States in the fight against racism and xenophobia. Regular monitoring of the implementation of the Joint Action took place and the second evaluation report was due in June 2000.

25. The European Monitoring Centre on Racism and Xenophobia, which had been established on the occasion of the European Year Against Racism in 1997, also played an important role in the preparation of the World Conference against Racism. The activities of the European NGO network against racism also deserved praise. The European Union member States were all adopting legislative measures to combat the scourges of racism and intolerance, which also affected Europe and which all Governments should combat.

26. Mr. CHOWDHURY (Bangladesh) said that although institutionalized racism practised under apartheid had now faded into history, a new chapter had unfortunately replaced it with the resurgence of xenophobia, ultra-nationalism and racially-motivated policies directed against ethnic minorities, foreigners, immigrants and refugee populations. Immigration procedures at airports and entry points were often biased against certain categories of persons depending on their race and ethnicity or national origins. Such policy practices were demeaning to human dignity. Often regulatory measures aimed at protecting the domestic labour force tended to be discriminatory in essence.

27. Discriminatory practices were directed not only against foreigners, but also against fellow citizens in many multiracial, multi-ethnic, multicultural societies. The seeds of racism could not be uprooted by mere legislative enactments or by reducing social inequalities; attitudes had to be changed through education, by imparting a sense of tolerance and respect for differences. In that respect, NGOs had an important role to play. Another disturbing trend was the use of new communication technologies such as the Internet for the spread of racial hatred. Regulatory measures had to be taken to stop that misuse of communication technologies.

28. Bangladesh was deeply committed to fully implement the International Convention on the Elimination of All Forms of Racial Discrimination, to which it was a party. Its society was based on the values of communal harmony, religious tolerance, respect for human rights and human dignity. Bangladesh strongly supported the forthcoming World Conference against Racism, to be held in 2001, and welcomed the offer of the Islamic Republic of Iran to hold the Asian regional preparatory meeting.

29. In conclusion, he expressed the hope that in future it would be possible to convert diversity from a source of conflict into a source of strength.

30. Mr. BELIZ (Observer for Panama), speaking on behalf of the Group of Central American Countries, welcomed the Secretary-General's report on the implementation of resolution 1999/78 and the oral report by the Special Rapporteur. He expressed appreciation for the action taken by the Office of the High Commissioner for Human Rights within the framework of the Third Decade for Action to Combat Racism and Racial Discrimination. The Group wanted to take an active part in the work of the preparatory committee for the World Conference against Racism, and in that of the preparatory regional conference for Latin America and the Caribbean, which would be held in Brazil in the course of the year.

31. The Group of Central American Countries was concerned by the manifestations of racism, xenophobia and intolerance in the world, and in particular by the discrimination affecting migrant workers. It deplored the resurgence of racist violence in recent months, especially in the more developed countries, which should be able to show an example of tolerance and solidarity, and it condemned the attitude of some political parties which preached racial hatred.

32. He appealed for sufficient funds to be made available, within the United Nations budget, to finance the regional conferences and the World Conference and he urged the wealthier countries to contribute generously to the voluntary fund set up for that purpose.

33. Mr. MOUNIR (Observer for Egypt) also deplored the rise of racism and discrimination against migrant workers. Egypt was concerned at the hostility shown against them, for religious as well as economic reasons, and which was fostered by some intellectual circles and media. One way of combating that dangerous phenomenon was to implement the Commission's decision 1999/82 on the defamation of religions.

34. The future World Conference against Racism should also make a positive contribution. The preparatory work for the Conference should deal with the many different aspects and effects of racism. The Egyptian delegation would take an active part in the African and Islamic preparations and it welcomed Senegal's offer to host the African regional conference. Being keen to promote dialogue between cultures and civilizations, Egypt attached considerable importance to the Conference, especially in view of the fact that the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families had still not come into force.

35. Mr. KAVADZE (Observer for Georgia) said his country was facing manifestations of ethnic intolerance and ethnic antagonism in the separatist regime of Abkhazia. Despite the broad measure of autonomy granted to the region, the separatists had been waging armed conflict backed by foreign support and pursuing a policy of ethnic cleansing, which had led to the killing or expulsion of some 250,000 ethnic Georgians. Even after all military operations had ceased and CIS peacekeepers had been deployed in the area, the separatists had opposed the return of refugees and displaced persons and had even forcibly expelled again several tens of thousands of returned displaced people and destroyed thousands of houses in May 1998. There were currently no more Georgians on more than two thirds of the territory of Abkhazia. On many occasions the Security Council had condemned the forced displacement of population and the seizure of the property of Georgians driven away from the region. In the district of Gali, the 40,000 returning refugees had suffered cultural, religious and administrative discrimination by the Sukhumi regime. More than 250,000 refugees and displaced persons were still unable to return to their homes, despite the requests made by the United Nations Security Council, the OSCE, the European Union, the Council of Europe and the CIS.

36. The time had come for the Commission on Human Rights to pay attention to the civilian population subjected to the policy of ethnic cleansing in Abkhazia. In earlier sessions, Georgia, a sovereign and democratic State which recognized and applied all human rights instruments, had several times requested the appointment of a special rapporteur to inquire into the situation

in Abkhazia, but to no avail. It now appealed to the existing rapporteurs to take up the matter, according to their terms of reference, and to report back to the Commission on the results of their inquiry.

37. Georgia was actively involved in the preparatory work of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. She hoped the World Conference would define a global system-wide strategy and mechanisms to combat any form of discrimination, which could lead to concrete results for the affected population.

38. Mrs. BAGUIROVA (Azerbaijan Women and Development Center) said that nationalism, racism and xenophobia were not related only to economic factors and to democracy. The origin of the problem lay in education, which was unable in the modern age to create unity between people. The birth and development of languages and nations was a natural, ongoing process. It was important in that process to avoid conflicts and to safeguard respect for the human rights and security of societies.

39. In order to combat nationalism, racism and xenophobia, an international institute of languages and cultures of the world should be set up under the aegis of the United Nations, to conduct scientific research aimed at identifying the common roots of all existing cultures, languages and religions in the world and the common origin of mankind. The institute's findings would then be incorporated into the educational systems of all countries, in order to give all people a sense of their common identity and to eliminate nationalism. The institute would be financed not only by the United Nations but also by Governments and the private sector. The Azerbaijan Women and Development Centre invited session participants and the Member States of the United Nations to support the idea of establishing, under the aegis of the United Nations, the International Institute of Languages and Cultures of the World, which she was sure would contribute to peaceful relationships between people and countries.

40. Mr. LITTMAN (Association for World Education) recalled that the previous year his organization had expressed strong opposition to resolution 1999/82 entitled "Defamation of religions", in the belief that such a resolution would eventually be used to condemn anyone for almost anything. Since resolution 1999/82 had been adopted, however, the Association for World Education had to abide by it. The Association endorsed paragraph 2 of the resolution, in which the Commission expressed deep concern that Islam was frequently and wrongly associated with human rights violations and terrorism. Having always distinguished between Islam and Islamism, his Association heartily encouraged more representatives to make the same distinction loud and clear, within the precincts of the Commission. In the same spirit, the Organization of the Islamic Conference and the Commission on Human Rights had to react to the "Rushdie syndrome". Otherwise the world would have the impression that all the OIC countries approved the arbitrary death sentence on the British writer.

41. Another very grave example of defamation of a religion, which had occurred in the Commission in 1991, concerned Judaism. The representative of Syria had urged members of the Commission to read a book repeating accusations of blood crime made against the Jews in Damascus, which, according to him, demonstrated unequivocally the historical reality of Zionist racism. The Syrian General Tlass, who had prefaced the book, had reiterated his conviction regarding the truth of the accusations in an interview published by France-Pays arabes in

August 1999 in Paris. The Commission should condemn those obscene attacks and other unacceptable criticism against Judaism under resolution 1999/82. Moreover, under item 5, the Association for World Education had already appealed to the Pope, who was currently in Israel, to seek the removal of the libellous commemorative stone plaque from the Terra Sancta church in Damascus. What was needed was a gesture confirming that Judaism, Christianity and Islam could be true partners in a Middle East peace brotherhood. As genuine hopes for a Middle East peace process grew, including the negotiations between Syria and Israel, it was time to sweep away the last remains of ignorance and fanaticism and the vindictive spirit of persecution symbolized in the Damascus affair. They were also appealing to the United States Secretary of State, Mrs. Albright, to raise the matter with President Clinton, so that the latter could pass the idea on to the Syrian President Hafez El Assad.

42. Mr. GUBERMAN (World Jewish Congress), referring to the political situation in Austria, made clear that his comments were not directed at all Austria's people and that he supported democratic institutions. However, the corollary to accepting the outcome of the democratic process was the right to protest peacefully the result of that process. While citizens in all countries should have the right freely to elect the government of their choosing, it was the right of other countries to determine with whom their own States would interact. A defining feature of the twentieth century was the link between racism and war. Several European countries had confronted their histories and had recognized their complicity in the events leading up to the Second World War. Unfortunately, not all countries had engaged in that process.

43. It was a dangerous development when an ultra-conservative party such as the Freedom Party, whose leaders openly praised Nazi policies and apologist views, should be part of the Austrian Government. Some said that the Freedom Party was providing a response to difficult issues such as globalization, rising unemployment, increased immigration and eroding national sovereignty. Others dismissed the Freedom Party and Jörg Haider's actions as political opportunism. But everybody knew what happened when society's challenges were answered by intolerance and the search for scapegoats. Once feelings of hatred were openly expressed, they tended to run out of control.

44. Fourteen European Union members had acted rapidly and decisively to partially isolate the current Government of Austria. The World Jewish Congress stood behind all those in Austria who believed in tolerance and racial harmony, and with all Governments and peoples everywhere who guarded the principles set forth in the International Convention on the Elimination of All Forms of Racial Discrimination.

45. Mr. BELLAMY (International Confederation of Free Trade Unions - ICFTU) said that his organization, which represented 215 trade unions in 145 countries and which spoke on behalf of 125 million trade unionists, was aiming to ensure that equal treatment and equal opportunities in employment were accessible to all. Although practically all workers were currently vulnerable because security of employment had become a luxury, some categories of workers were more exposed than others. The most vulnerable were those discriminated against because of their gender or sexual orientation, their race, their national origin, their age, the colour of their skin or their religion. Disabled workers were also at risk, despite the fact that ILO Convention No. 111 concerning discrimination in respect of employment and occupation had been ratified by 140 countries.

46. Almost half the working population of the world consisted of women. The 71st International Women's Conference of the International Confederation of Free Trade Unions, which had been held in Rio de Janeiro in May 1999, had declared that they continued to be adversely affected by structural adjustment programmes. The ICFTU's priority was to ensure more and better jobs for women, equal pay for equal work and access to positions of responsibility and continuing vocational training.

47. There were over 42 million officially recognized migrants in the world, while millions of others, who had no papers, were left with no choice but to take dangerous and degrading jobs. The discrimination to which some members of ethnic minorities were exposed, such as those subjected to forced labour in the State of Karen in the former Burma, constituted a serious violation of human rights. The ILO had decided to exclude Myanmar de facto from membership owing to the systematic use of forced labour by the ruling military junta. It appeared hard to believe that the same country might be hosting a preparatory meeting for the World Conference against Racism.

48. Disabled persons made up one tenth of the world's population and those who were employed had to face many kinds of discrimination, in terms of underpaid jobs, insecure conditions and unrewarding work. Age-related job discrimination was also a matter of concern. In Europe, fewer and fewer unemployed over 50 years old ever found work again. Homosexuals were another group of workers who were particularly vulnerable. The trade unions, especially in the public sector, were becoming aware of the extent to which they were often marginalized and discriminated against. In response, Public Services International and Educational International had devised a kit that the trade unions could use to help such workers organize. Fighting for equality meant admitting diversity, because all workers were equally entitled to dignity and justice.

49. Mrs. SHARFELDDIN (International Organization for the Elimination of All Forms of Racial Discrimination - EAFORD) said that racism was a phenomenon which had persisted throughout human history and which had resulted in many tragedies. The most recent of those included the premeditated plan to annihilate the native Indians and the exploitation of Africans.

50. Although racism was losing its popularity, it was being replaced gradually by discrimination between nations and peoples, on the basis of rich versus poor nations and developed versus developing countries. The advanced nations in general looked condescendingly on the less advanced and the gap had grown even wider because some of the advanced nations had constantly taken advantage of the bad circumstances from which less advanced nations had suffered. By so doing, they had gained even more power over developing countries and had continued to exhaust their resources. That had led to major disparities and imbalances in world revenues between West and East, and between North and South. That had given rise in turn to feelings of injustice and oppression among people in developing countries and had led some groups to migrate in unrestrained large numbers to the advanced world. The negative and tragic consequences of such wide-scale migration had affected both the migrating people and the populations in which they had to be integrated. Injustice and oppression had also led other groups to react through violence and terrorism, but it was the innocent victims who always ended up paying the price with their lives for crimes they had not committed.

51. The root cause of racism and racial discrimination was poverty, which itself originated in ignorance and led to backwardness. If that vicious circle could be broken, it might be possible to eliminate discrimination. The more powerful countries, which had achieved high levels of progress in science and technology, should assist the less favoured countries to attain the same level, which meant providing them with the means to develop and progress, an objective which could only be achieved through education. The foreign aid offered by developed countries, which should be multiplied many times, should be governed by an international law and directed to the construction of schools, educational institutions and universities. That should be the first step towards enhancing the potential for development and, in turn, towards fighting discrimination.

52. The leaders of the developed world should realize that their efforts to resolve the problem of underdevelopment and its related consequences of racism and racial discrimination were not only in the best interests of their own people but also a way of paying back their debt to developing nations.

53. Mrs. ABUDU (Earth Justice Legal Defense Fund) said she deplored environmental racism, which referred to any Government, institutional or industrial action, or failure to act, that had a negative environmental impact which harmed, whether intentionally or unintentionally, individuals, groups or communities based on race or colour. The right to a sound environment for every individual had been affirmed in the 1993 Vienna Declaration and Programme of Action.

54. In the United States of America, the victims of environmental racism were chiefly African Americans, Latinos, Native Americans, Asians and Pacific Islanders. While environmental racism had been well documented for more than a decade by NGOs, universities and even government bodies, the United States Government had provided no effective remedies to the victims or taken effective action to stop such racist practices. As a result, human rights violations arising out of environmental racism had become worse. For example, in November 1999, the United States health authorities had issued alarming reports concerning dioxin levels found in the blood of residents of Mossville (Louisiana). That dioxin pollution had been caused by local industries, which had polluted the area with nearly 2 million pounds of toxic chemicals each year with the approval of the Government. Notwithstanding the fact that dioxin was considered harmful for human health and for the environment by the United Nations Environment Programme, the authorities had refused to provide adequate health services to Mossville residents, relocate them away from the source of exposure or impose a moratorium on industrial pollution in the area.

55. The destructive effects of environmental racism were not, however, exclusive to the United States. As the Sub-Commission expert, Mr. Oloka-Onyango, had noted in his working paper on globalization and racism (E/CN.4/Sub.2/1999/8), racism and globalization came together in the environment, with the phenomenon referred to as "global environmental racism", a manifestation of a policy which had found expression in countries like the United States, but which also had a global dimension.

56. Environmental racism was an example also of the double standard applied to different communities, villages or cities. One example of that double standard was the environmentally devastating methods of extraction of natural resources utilized by multinational corporations in developing countries, which had adverse effects on local populations, like the Ogoni and other peoples of the Niger Delta in Nigeria, the U'wa people of North-East Colombia, the Amungme of West Papua, Indonesia, and the indigenous people of Burma. Another example of environmental racism was the dumping of toxic wastes in developing countries.

57. Although the United States had ratified the International Convention on the Elimination of All Forms of Racial Discrimination, it had still not submitted its first report on compliance to the Committee on the Elimination of Racial Discrimination. The Earth Justice Legal Defense Fund requested the Commission to urge the United States to submit its first report without delay and for the report to include a section on environmental racism. Furthermore, the Special Rapporteur on contemporary forms of racism should conduct an in-depth investigation into the extent to which environmental racism violated the human rights of people of colour globally.

58. Mrs. TANAKA (International Movement against All Forms of Discrimination and Racism - IMADR) said that her organization was particularly concerned over the plight of groups of people who suffered from perennial and persistent forms of discrimination, particularly the Sinti and Roma in Europe and the Dalits and the Burakumin in South Asia.

59. IMADR therefore welcomed the missions undertaken by the Special Rapporteur on contemporary forms of racism in the Czech Republic, Hungary and Romania to investigate the situation of Roma, as well as the decision taken by the Sub-Commission at its previous session to entrust one of its experts with the preparation of a study on the human rights problems of the Roma. It also welcomed the fact that the OSCE High Commissioner on National Minorities had raised those issues, including discrimination, extreme poverty, high rates of illiteracy and infant mortality, at a meeting in September 1999. It hoped that the European preparatory process for the World Conference against Racism and the World Conference itself would pay due attention to the problem and come up with concrete recommendations and action plans.

60. In Asia, discrimination against the Dalits and Burakumin was based on descent and caste discrimination, particularly in Japan. As in the case of Europe, the IMADR encouraged the Governments in the Asia-Pacific Region to pay particular attention to those specific forms of racial discrimination in their national or regional preparations for the World Conference against Racism. They should also consider inviting the Special Rapporteur to their countries so that he could elaborate concrete recommendations as to further measures to be taken to end such practices. Appropriate measures could also be considered at the World Conference itself.

61. Particular attention should also be paid by the Special Rapporteur and by the World Conference to the fact that racial discrimination was very often compounded by gender discrimination. In that regard, IMADR welcomed the recently adopted general recommendation of the Committee on the Elimination of Racial Discrimination in that respect.

62. Mrs. RAS-WORK (International Movement for Fraternal Union Among Races and Peoples - UFER) recalled that UFER had been combating racism, exclusion, xenophobia and intolerance since its foundation in 1952. It valued the actions undertaken by the United Nations to combat racism and welcomed in particular the decision made in General Assembly resolution 52/111 of 12 December 1997 to convene a World Conference against Racism in 2001. The holding of the Conference gave hope to the victims of exclusion and Governments, organizations and individuals should collaborate and mobilize to make the Conference a success.

63. As a contribution towards the Conference, UFER was preparing to hold a training session for human rights activists from 10-19 April, during the Commission's session. The participants, namely those representing countries which had experienced conflict and genocide, such as Korea, Lebanon, Brazil, South Africa, Burundi, Rwanda and the Congo, as well as experts, psychotherapists, historians and international civil servants would have an opportunity to share their experiences and to analyse the causes of racism, ethnic discrimination and xenophobia, in order to prevent those phenomena leading to conflict and human tragedy.

64. UFER firmly believed in man's capacity for love and tolerance and relied on those positive values to fight against political demagogues and power-mongers who misused human differences to promote their own political agendas.

Statements in exercising the right of reply

65. Mr. AMAT FORES (Cuba) said it was regrettable that Mrs. Albright had come so far, not to contribute positively to the Commission's work, but to undermine its efforts to restore its credibility and prestige. Her statement before the Commission had been aimed chiefly at preparing the way for a fresh initiative against Cuba, as at the 1999 session, through her puppets on the Commission, who did not seem to understand that their attitude would lead them nowhere and could only discredit them.

66. For over 40 years, the United States had been conducting a relentless propaganda campaign against Cuba, defending the criminal tyrants who had stripped the country and caused the death of over 20,000 Cubans. For over 40 years, the United States had been using every means possible to bring the Cuban people to its knees, from the Bay of Pigs invasion to their recent efforts to strengthen the blockade, including terrorist actions and biological warfare.

67. Mr. SIDOROV (Russian Federation) reaffirmed that the Russian Government was acting in Chechnya in conformity with its international obligations in order to preserve its territorial integrity. All democratic States had not only the right but also the duty to protect their citizens, regardless of their nationality or their religious convictions. That was the aim of the Russian authorities in Chechnya, where the operations they were conducting were directed not against the Chechen people or Muslims but against terrorists and mercenaries. The allegations by some speakers that the Russian Government made blind use of force against the civilian population in Chechnya were therefore completely groundless. The many organizations which had visited the region, such as the ICRC, Human Rights Watch, MSF and many others, and the 500 foreign press correspondents accredited in the region could bear witness to that. The aim of the operations was on the contrary to re-establish and protect human rights in Chechnya.

68. Mr. QIAO Zonghuai (China) strongly rejected the groundless charges and slanders against China made not only by Mrs. Albright but also by other Western guest speakers.

69. China attached great importance to the building of democracy and the legal system and to the promotion and protection of civil and political rights. Various positive measures had been adopted to enhance judicial transparency and law enforcement supervision and to combat corruption. According to the Chinese Constitution, all Chinese citizens were entitled to freedom of expression, assembly, association and religious belief, while the human rights of all ethnic minorities, including the Tibetan people, were also fully respected. It was to protect those rights even better that the Chinese Government had banned the Falun Gong Movement, which had already claimed the lives of more than 1,400 practitioners, which spread fallacies and which endangered the life and health of the Chinese people. The United States Government was quick to criticize the human rights situation in other countries, but tended to forget that sects were severely repressed in their own country, where gross violations of human rights were committed, including notorious racial discrimination, police brutality, torture in prison, infringement of women's rights and campus gun killings. Instead of interfering in the internal affairs of other countries under the pretext of human rights, the United States should spend more time examining its own human rights situation, as they were hardly in a position to judge others.

70. Mr. HUSSAIN (Observer for Iraq) recalled that Mrs. Albright had replied in the affirmative to the question of whether it was worth sacrificing thousands of people to achieve the objective set by the economic embargo against Iraq. Such an inhuman person was not entitled to speak about respect for human rights in Iraq. For those rights to be respected, the economic embargo, which the United States Government insisted on imposing on Iraq with no concern for the suffering caused to the Iraqi people, should be lifted. That suffering was further aggravated by continuous American attacks against civilian installations and oil installations, which deprived Iraq of its main source of subsistence, in violation of Security Council resolutions. Furthermore, Mrs. Albright, who said she attached such importance to human rights in Iraq, appeared to forget that the first of those rights was the right to life, which was endangered by the depleted uranium used by the United States in Iraq, leading to the spread of cancer and leukaemia, as well as pollution in the country.

71. Mr. SOUTHWICK (United States of America) reaffirmed, as Mrs. Albright had done, that no country should feel threatened by the Commission. The Commission's task was to support people's right everywhere in the world to control their destinies and to ensure that universal standards were applied. The United States Government therefore reiterated its appeal to all other Governments to support the Commission's action and to help it achieve its objectives.

72. Mr. AMAT FORES (Cuba) noted the hypocritical attitude of the United States, who claimed to support people's right to be masters of their own destinies, whereas they did everything precisely to prevent the Cuban people from following the path it had chosen. The United States wanted to give other countries lessons, whereas on its own territory many people were deprived of even the most fundamental rights. The most glaring cases included indigenous peoples, who had been persecuted and exterminated, or African-Americans and Hispanic-Americans, who were constantly up against racism, discrimination and police brutality.

The Commission had to make sure it was not manipulated by the United States, which were trying to make it into their ideological tool in order to impose a new world order, opposed to all rights, on the world at large, and in particular on the countries of the South.

73. Mr. QIAO Zonghuai (China) said that the statement by the United States representative illustrated all the arrogance of that super-Power. He should be reminded that in the United Nations all countries were sovereign States on an equal footing. By using the Commission for electoral purposes, the United States was infringing the sovereignty of other countries and harming the Commission's own credibility.

The meeting rose at 6 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 8th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 24 March 2000, at 10.30 a.m.

Chairman: Mr. SIMKHADA (Nepal)

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GE.00-12048 (E)

The meeting was called to order at 10.40 a.m.

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION (agenda item 6) (E/CN.4/2000/15, 16 and Add.1, 17 and 134; E/CN.4/2000/NGO/18, 28, 30, 53, 69, 102 and 122; E/CN.4/Sub.2/1999/7 and Add.1 and 8; A/54/347)

1. Ms. FAY (International Save the Children Alliance) said that many Roma, Gypsy and Traveller children were denied the opportunity of reaching their full potential because of the discriminatory treatment they received in many European education systems, in violation of article 26 of the Universal Declaration of Human Rights, article 13 of the International Covenant on Economic, Social and Cultural Rights and articles 28 and 29 of the Convention on the Rights of the Child. The tendency to segregate Roma, Gypsy and Traveller children in special classes or even in schools for the mentally or physically disabled was particularly damaging.

2. Negative stereotypes of Roma and Gypsy attitudes towards education persisted. Studies suggested that, given a supportive environment, such children were no less motivated than others. Pre-school education provision was critical to children from mobile families, who were likely to start school at a disadvantage. In Western Europe, many stopping places were unhealthy or dangerous, and regular eviction made school attendance difficult.

3. Her organization recommended that Governments should take specific steps to guarantee the rights of such minority children, in particular with regard to learning their mother tongue, their culture and their history, and to ensure that children from mobile families did not suffer discrimination and enjoyed true equality of opportunity.

4. Mr. ABRIL (Lutheran World Federation) said that, in the case of a significant proportion of humanity, caste-based discrimination was an obstacle to enjoyment of human rights. The Dalits of South Asia were the most obvious example. Despite the abolition of "untouchability" under the Indian Constitution of 1950 and subsequent legislative measures, Dalits continued to suffer social disabilities by virtue of their birth. They were forced to perform the most menial tasks, deprived of land and subjected to debt bondage and exploitation. Reports of violence against Dalit individuals and communities were on the rise. Dalit women suffered threefold discrimination, on grounds of caste, class and gender, and were often the targets of sexual and other abuse.

5. The Committee on the Elimination of Racial Discrimination had ruled that the word "descent" in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination included scheduled castes and tribes. He hoped that the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance would redress the relative lack of attention hitherto paid to the question of caste-based discrimination.

6. Mr. OULD OTHMAN (Agir Ensemble pour les Droits de l'Homme) said that the Commission's attention had frequently been drawn to the victims of ethnic discrimination in Mauritania. In 1989, tens of thousands of black Africans there had been stripped of their citizenship and property and expelled to Senegal or Mali. Hundreds of them had been victims of extrajudicial executions or torture by the Mauritanian State security forces. Many were still

living in camps for displaced persons; one group of persons who had been helped to return to their country by the Office of the United Nations High Commissioner for Refugees (UNHCR) had been unable to regain their citizenship. Later, members of the armed forces had also been targeted: more than 500 had been assassinated and hundreds of others tortured.

7. Most importantly, all the perpetrators had been identified, yet, with one exception, who was being prosecuted in France, all had thus far escaped punishment and even trial, having been granted amnesty in 1993. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was inadequate to deal with what amounted to a crime against humanity, and one that appeared to have been committed with the connivance of the current Head of State. His organization would like to hear the response of the Government of Mauritania to his comments.

8. Mr. PERERA (World Federation of United Nations Associations) said that the forthcoming World Conference was an indictment of the indifference of Member States to their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination. Only about one fifth of the States parties had made the declaration under article 14 recognizing the competence of the Committee on the Elimination of Racial Discrimination to receive communications from individuals or groups claiming to be victims of a violation of the rights guaranteed by the Convention.

9. His organization believed that education was the key to the elimination of racial discrimination. The 1978 UNESCO Declaration on Race and Racial Prejudice stressed the importance of education in combating prejudice. It went further than the Convention by attaching the responsibility for that education to the entire teaching profession. He wondered whether teachers' organizations were aware of that responsibility. He urged the Office of the High Commissioner for Human Rights (OHCHR) and UNESCO to reach out to the teaching profession to ensure that such education was carried out, and called on the Canadian and Scandinavian aid agencies to give grants to teachers' organizations to ensure that their programmes emphasized the elimination of racism and racial discrimination.

10. Ms. ATTARDO (Minority Rights Group) said that the celebrations marking the five hundredth anniversary of the arrival of the Portuguese in Brazil should also recognize and celebrate the peoples of African descent in that country. Long-held ideas of Brazil as a "racial democracy" hid the structural inequalities faced by Afro-Brazilians. The pervasive social hierarchy based on skin pigmentation remained prevalent in modern Brazil.

11. Afro-Brazilians ranked at the bottom of social and economic indicators: they had lower incomes, lived in poorer conditions and died earlier than white Brazilians; their infant mortality rate was much higher than that of the white population; their literacy rate was low; very few of them engaged in higher education; they were disproportionately affected by unemployment and were seriously under-represented in positions of responsibility.

12. Afro-Brazilians were disproportionately the victims of institutional violence and discrimination. They were more likely to receive prison sentences than white Brazilians, while Afro-Brazilian street children were often victims of serious violence.

13. Afro-Brazilian women faced specific challenges. In addition to their lower earning power and fewer education opportunities, they were often faced with entrenched sexual stereotyping and were relegated to subservient positions.

14. Although Afro-Brazilians had made significant inroads in the political arena since the 1980s, new strategies were urgently needed. The new democratic structures in the country had begun to tackle the problem. The Fundacão Cultural Palmares, which formed part of the Ministry of Culture, had been pivotal in promoting Afro-Brazilian rights. The Brazilian Government should, however, take urgent steps to give Afro-Brazilians greater access to employment, land tenure and educational opportunities, thus meeting its constitutional and international legal obligations, and should celebrate Brazil's 500 years of cultural diversity with a detailed action plan to redress historic racism.

15. Mr. KIRKYACHARIAN (Movement against Racism and for Friendship among Peoples) said that fine sentiments and even individual acts of solidarity were not sufficient for the elimination of racism; it was a matter for the citizens of a country as a whole and therefore for the State which represented them. Above all it was a question of political will. The shock caused by the publication of the annual report of the French Human Rights Advisory Commission might prove to be salutary in that regard. It had emerged that, while a majority of French people acknowledged having racist ideas or reactions, an even greater majority rejected discriminatory practices.

16. There were a number of factors tending to strengthen racism in Europe and in North America. A major one was the rise of ethnic feelings, which often led to terrible local conflicts. Because the causes of such conflicts were difficult to understand, the outside observer's natural reaction was to assume that nothing could be done and that ethnic or nationalist hatred was inevitable.

17. That reaction, however, led to various forms of ghettoization. Foreigners were denied citizens' rights, particularly the right to vote in local elections, with the result that young people born of immigrant families felt excluded from the life of the community. Public opinion in some countries might not yet allow such people the right to citizenship, but it would be both just and politic to allow all residents, without delay, the right to vote in regional and local elections.

18. Ms. JUSUI (Society for Threatened Peoples) said that, over the past 35 years, many minorities in Indonesia had faced racism and discrimination on the basis of at least 62 items of legislation regulating various aspects of religion, the economy, education, custom and culture. It was a welcome development that one such regulation had recently been repealed by presidential decree.

19. Racial divisions in Indonesian society were based on an officially supported stigmatization of ethnic Chinese. Some laws specifically targeted ethnic Chinese and, as a result, racial violence had become a common phenomenon. In 1998, women of Chinese descent had been raped and other members of the Chinese community assaulted or murdered. More recently mass killings had occurred in Maluku between civilians belonging to two different religious groups. The military had failed to give protection to the victims, especially those of Chinese origin, and there had been no serious prosecutions for racial crimes.

20. Religious affairs were highly regulated. Only five religions were officially recognized and legally accommodated: Islam, Catholicism, Protestantism, Hinduism and Buddhism. Thus Confucianism, for example, was seen as undeserving of official recognition. Mixed marriages between people of different religions were restricted. Not surprisingly, such policies had led to riots and atrocities, including warfare between religious groups, mass killings of civilians of a certain religion and the destruction of places of worship. Some riots had seemed well organized while others had occurred spontaneously.

21. Her organization urged the Commission and OHCHR to exert pressure on the Indonesian Government to fulfil its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination and enact legislation to protect all Indonesian citizens from every form of discrimination. Specific attention should be given to the prevention of racial conflict and the prosecution of those responsible for such conflict.

22. Ms. SAYERS (Brahma Kumaris World Spiritual University) said that people were conditioned to judge others according to their outward appearance, culture and language. The world was thus currently divided on the basis of race, creed, nation, sex, age and social status. Those divisions caused conflict as people sought to defend their own territory, be it a job, social standing, a family name or a nation. The insecurity caused by such limited awareness was the prime ingredient of racism and discrimination. Removing the glasses through which one had learned to view the world required effort and understanding; but that had to be done if the foundations for a culture of peace were to be laid.

23. All human beings had the same blood, sweat and tears, and it was the soul, which housed a person's values and aspirations. In many traditions, a distinction was made between the perishable matter of the body and the non-physical, eternal nature of the inner being or soul. It was the belief of the Brahma Kumaris that every human being possessed the positive qualities necessary for harmonious relationships. The extent to which people were in touch with those qualities determined how they felt about themselves and others.

24. Indeed, it was those common human values which gave rise to the universal rights enshrined in the Declaration on Human Rights, values which were, however, less easily translated into action. Given that it was people's awareness of their common spirituality which could empower them to transcend the barriers which divided them, it was important to focus on what was shared in common while valuing mankind's rich diversity ...

25. The CHAIRMAN said that the speaker had exhausted her allotted time.

26. Mr. WAREHAM (International Association Against Torture) recalled that, at the fifty-fifth session of the Commission, there had been general disbelief that an unarmed Guinean immigrant, Amadou Diallo, could possibly have been shot 41 times by four New York City police officers. On 25 February 2000, the four members of the Diallo death squad had been acquitted of all the criminal charges against them, a result that was no surprise for people of African descent in the United States, since policemen were rarely prosecuted there for murdering black people and were hardly ever convicted. There had been several other similar cases since that acquittal.

27. In the latest case, one week previously, a certain Patrick Dorismond, a black man of Haitian origin, had been shot to death by three undercover policemen. The Mayor of New York City had unlawfully released sealed records of a juvenile offence committed by Dorismond, reinforcing the racist stereotype that all young black men were criminals and therefore deserving of police mistreatment.

28. The United States, the world's self-proclaimed leader in human rights, might have been expected to take the lead in promoting the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, particularly in light of the "honeyed words" so recently spoken by the Secretary of State. However, despite the efforts of his own organization to publicize the Conference, nobody at the grass-roots level in the United States knew anything about it. If the United States Government was sincere in desiring the success of the World Conference, it would hold a national preparatory conference.

29. That Government was actively involved in seeking compensation for the victims of Nazi Germany but a different standard was applied to the descendants of former slaves who continued to be victims of racism. The African Group Resolution declaring the transatlantic slave trade to have been a crime against humanity should form part of the outcome of the World Conference.

30. Mr. KOH (United States of America) said that his Government did not tolerate racial or ethnic discrimination at any level or in any form. While no nation could claim to have overcome such problems entirely, experience had shown that progress in dealing with racism was possible with time and could contribute significantly to the growth of democracy and civil society. His delegation looked forward to participating fully in the preparations for the World Conference and to contributing from its experience in dealing with racism.

31. Although his country had been founded on the vision of universal human rights articulated in the Declaration of Independence and on the conviction that all men were created equal, wars had been conducted against Native Americans and the horrendous practice of slavery had been tolerated. It had taken well over a century to build a legal base upon which African Americans and other minorities could effectively defend their civil rights. Progress in acknowledging that Native Americans deserved control over their own affairs had been slow and painful, but had led to fundamental change. A new budget currently sought to address poverty on federal reservations.

32. As for African-Americans, the effects of racism could still be seen in the lingering - albeit diminishing - disparities between blacks and whites in terms of income levels, education, health care and incarceration rates. A similar process had taken place with respect to the many other minority and ethnic groups that had come to the United States seeking the freedom and opportunity they lacked at home.

33. Admittedly, not every newcomer had been met with open arms. At different times, various non-white ethnic groups had been explicitly barred from entry to the United States. As an Asian-American child of first-generation immigrants, he had personally encountered misunderstanding and bias. His parents, like others before them, had, however, chosen to remain in the United States, since it was there that their most cherished values were honoured. They had seen the United States as a land of opportunity and promise, where the child of first-generation

immigrants could grow up to become Assistant Secretary of State for Human Rights, or even Secretary of State. Such was the nature of United States democracy: a polity challenged by the dream of human rights for all and equal protection under the law.

34. The United States was one of the most racially and ethnically diverse nations in the world. His compatriots were proud of their diversity, but acknowledged that they had a long way to travel before they could create a totally colour-blind society. The nation had, however, learned that people of all races and ethnic origins deserved the legal protection on which adherence to international human rights law depended. Indeed, the civil rights movement had succeeded because people had united forces to demand justice and equality. Constitutional and legal guarantees currently afforded every United States citizen, irrespective of race, religion or ethnic background, the most extensive set of protections in the world. Racial and ethnic discrimination was prohibited, inter alia, in housing, employment, education and voting.

35. President Clinton had prioritized issues of racial diversity and equal opportunity. The year 1997 had seen the establishment of the President's Initiative on Race, a national education effort to encourage a country-wide dialogue. The following year had seen the launching of the White House Office on the President's Initiative for One America. Legal protections against all forms of discrimination continued to be improved, with discrimination based on sexual orientation having been barred in the federal workplace and recent legislation introduced to target the perpetrators of hate crimes.

36. Such work had the support of a vibrant civil society, which was free to criticize the Government and to mobilize its resources to influence the political, social and judicial levers of society. Such was democracy in action. The United States was willing to work with other Member States towards eliminating racism and discrimination in all its forms. Progress was indeed possible, and tolerance could be sustained through a transnational network of public and private actors to promote human rights.

37. Mr. WANG Min (China) said that racism was one of the most serious violations of human rights. With the abolition of apartheid in South Africa, the worldwide struggle against racism had scored a great victory. However, in an increasingly globalized world, the long-standing problem of racism was only worsening. The World Conference to be held the following year in South Africa was thus most timely and would play an important role in increasing global awareness of this issue.

38. All countries had an obligation to strengthen education in human rights, particularly on racial equality, and to improve the relevant legislation. It was also necessary to promote the establishment of an equitable international political and economic order, and to abide by the principle of equality among all countries, regardless of their size and level of development. Only then could racism be eradicated.

39. In view of the alarming rise of neo-fascism and neo-nazism in the developed countries, the latter should take urgent measures to investigate racist acts and nip racism in the bud. In spite of its long-standing domestic problems of discrimination against black and coloured people,

a certain country was always keen to point the finger elsewhere and to accuse other countries of violating human rights. Such double standards were wholly unacceptable to the international community.

40. As the preparatory committee for the World Conference, the Commission should conduct comprehensive discussions on relevant issues - such as the formulation of the agenda and outcome documents - and make specific, action-oriented proposals. OHCHR should provide adequate human, material and financial resources to ensure the smooth convening of the Conference. It was to be hoped that relevant departments would be able to fulfil their responsibilities in earnest and ensure that the preparatory work bore fruit.

41. As the Third Decade to Combat Racism and Racial Discrimination drew to its close, many people were still subjected to various forms of racial discrimination. At the World Conference, the international community should therefore make an objective assessment of past experience and take practical steps to realize the objectives of the Third Decade to Combat Racism and Racial Discrimination.

42. Ms. JANJUA (Pakistan) said that, even after the demise of the apartheid system, racial discrimination and xenophobia continued to be of extreme concern. Despite rising education, increasing globalization and developments in the field of human rights, those phenomena were making a comeback. In developing countries, human rights violations could sometimes be ascribed to low levels of education, lack of awareness and obsolete cultural and social mores. The resurgence of racism, racial discrimination and xenophobia in countries which appeared to be in the forefront of the human rights campaign seemed to suggest that something more insidious and dangerous was at the root of racism.

43. It was all too easy for unscrupulous politicians to resort to racism to win power. Behind the euphemisms of ensuring the cultural identity of nations or maintaining their homogeneity lay the more sinister forces of racism and xenophobia. In a country near her own, a fundamentalist and fascist party had been catapulted to power, its popularity generated by fanning hatred of minority (Muslim and Christian) religions and suppressing lower castes. Some of the most prominent members of that party were unabashed admirers of Nazi policies and practices.

44. Islam and its followers had become the targets for xenophobic acts as a result of a deliberate attempt to depict Islam as an ideology which ran counter to human rights. Certain countries guilty of foreign occupation and denial of the right to self-determination of peoples were actively promoting such a trend by depicting freedom fighters as terrorists merely because they were Muslims. Slanderous expressions such as "Islamic terrorism" had even echoed within the Commission. No other religion had been accorded that dubious distinction.

45. Islam, like any religion, had its share of malcontents and extremist fringe elements. However, to portray the religion and its 1 billion adherents as the source of terrorism reflected a dangerous intolerance which was nothing short of racism. Tolerance, indeed, was a basic element of Islamic teaching and practice. As the Prophet had said, all mankind issued from Adam and Eve, and no race had superiority over another except by piety and good action. There could be no clearer refutation of the concept of racism.

46. Her delegation had read with interest the reports under agenda item 6. While appreciating the difficulties faced by the Secretariat, it deplored the lateness in issuing the documentation concerned which could not but hamper the discussion.

47. One of the primary tasks of the World Conference must be to devise ways and means of nipping in the bud nascent trends in racism and xenophobia. It would also be necessary to deal with racist practices which had not as yet been addressed. The practice of untouchability, i.e. socially excluding tens of millions merely on the basis of birth, should be tolerated no longer, particularly in so-called tolerant and pluralist democracies.

48. Mr. MAMBA (Swaziland) said that international efforts to address all forms of racial discrimination must be increased. It was to be hoped that the forthcoming World Conference would adopt effective measures for the elimination of such problems. As the High Commissioner for Human Rights had suggested, the United Nations must adopt a more proactive approach in order to ensure human rights for all. There was an urgent need to adopt such measures as support mechanisms and early-warning systems in order to prevent conflicts becoming crises.

49. While there were many areas of discrimination that should be addressed, he wished to focus on gender-based discrimination. Disparities in the education of girls and the training of women, economic, social and cultural barriers, and the denial to women of equal rights in many fields were all issues that must be addressed at the Conference if all forms of discrimination were to be eliminated.

50. The importance of the Conference could not be overemphasized: the impact of racist and discriminatory practices transcended State borders, and a global approach to dealing with the problem should be formulated. He hoped that the outcome of the Conference would include action-oriented strategies and clearly outlined follow-up mechanisms.

51. Mr. HERNANDEZ BASAVE (Mexico) said that decisive action by the international community was required to overcome racial hatred and eradicate the ignorance and prejudice which fomented racial discrimination and other forms of intolerance. No country in the world should allow such practices on any pretext, including that of freedom of expression. It was essential that all reservations to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination should be withdrawn, if the fight against such discrimination was to be successful.

52. Urgent action was also necessary to deal with the incitements to racial hatred that were proliferating in developed countries, through such new means of mass communication as the Internet. In some cases the political will necessary to combat those grave violations of human rights was not being demonstrated.

53. The forthcoming World Conference should help the United Nations to redouble its efforts to combat all such criminal practices. A plan of action must be adopted consisting of practicable measures and the necessary funding guaranteed for its activities. The Conference should focus on the discrimination suffered by all vulnerable groups. In that connection, his delegation, which was much concerned about the rights of migrant workers, urged that one of the

priorities of the Conference should be the rapid entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

54. His Government was making every effort to ensure that Mexican society enjoyed a culture of tolerance and full respect for human rights. Mexico was a party to most of the international human rights instruments and cooperated fully with the international mechanisms. His delegation intended to take an active part in the work of the forthcoming Conference, and believed that the holding of the Conference in South Africa represented a tribute to all those who had fought for the elimination of apartheid and continued to fight against racial discrimination.

55. Mr. FERNANDEZ PALACIOS (Cuba) said that the lessons of history appeared to have been forgotten: in many parts of the world, new and more sophisticated forms of racial discrimination were on the increase and in the developed world in particular. In Europe and North America, ultra-right and neo-fascist ideas were gaining ground, encouraged by the social crisis provoked by the liberalization of markets, the globalization of the economy and a crisis of values. Political parties with a platform of racial exclusion were increasing their support and targeting both ethnic minorities and immigrants. The international information superhighway had complicated the right against discrimination: the Internet was used to spread racial hatred. Effective action must be taken to ensure that the facility was used responsibly.

56. The most recent reports by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/2000/16 and Add.1) fully documented a number of those situations, the most flagrant case being, perhaps, the institutionalized racism in the United States of America, where there was a pervasive culture of massive and flagrant human rights violations. It was also clear that, in the Czech Republic, there was a growing hostility to the minorities and particularly the Gypsies.

57. He did not wish to conclude without expressing the deep concern of his delegation regarding the serious irregularities that had attended the preparation and submission of the documentation on the current agenda item. He hoped that it was not the result of a deliberate attempt to affect the quality and depth of the discussion and trusted that the Secretariat would take the appropriate steps to avoid any repetition of that situation.

58. Mr. LEGWAILA (Botswana) said that the national and international laws to discourage and punish racist crimes sometimes seemed to have the opposite intent. Many immigration and asylum laws appeared to target a particular group or race of people. Persons belonging to racial or ethnic minorities were often subjected to disturbing brutality by law-enforcement and immigration agents. Care must be taken to ensure that laws promulgated by States to protect the interests of their citizens promoted and protected the dignity of the human person regardless of race or nationality.

59. New information technology had proved a convenient vehicle for the spreading of racial hatred. While it was the right of every citizen to use the media without censorship, his delegation did not believe that legislation to ensure that the media was not used to spread messages of hate was undemocratic or that it constituted censorship. If bigots were to be defeated, every individual in society must have compassion towards and show solidarity with his

or her fellow human beings. He welcomed the decision that the forthcoming World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance would be held in South Africa.

60. Mr. HETTIARACHCHI (Sri Lanka) said that new technologies had lent themselves to new forms of human rights violations and new methods of propagating racial or ethnic hatred. In some countries, freedom of speech cloaked the use of the Internet as a tool for the promotion of all forms of racism. Advances in technology meant that the propagation of racial hatred was a real threat to multicultural tolerance and democratic pluralism, and represented an unprecedented challenge to the international community which must be urgently addressed. He therefore welcomed the attention given to the problem by the High Commissioner and the proposals she had made.

61. The forthcoming World Conference would be an opportunity to formulate new strategies to deal with racism and racial discrimination. It was therefore essential that the widest range of inputs should be drawn upon in its preparation. He hoped that the Commission would adopt a resolution inviting voluntary national substantive and resource contributions. Access to information from the Secretariat on the regional and global preparatory process would also be useful.

62. In its resolution 1999/78, the Commission had requested that financial and technical assistance be provided for the organization of regional preparatory meetings. He urged that sources of funding should be further explored in order to make such meetings a success. He welcomed the offer made by the Government of Iran to host the Asian regional meeting, and said that his delegation would do its utmost to ensure the success of the World Conference.

STATEMENT BY THE SECRETARY-GENERAL OF THE ORGANIZATION OF THE ISLAMIC CONFERENCE

63. Mr. LARAKI (Organization of the Islamic Conference (OIC)) said that, although the concept of human rights had become an integral part of Western culture, the West's perception of Islam remained a fallacious one. The reasons lay partly in past conflicts between Islam and the West, culminating in the European colonization of much of the Islamic world in the nineteenth century, and partly in the fact that the orientalists who had studied Islam had lacked scientific impartiality and presented a distorted image of the religion and the civilization, branding them as primitive and barbaric. That image had remained virtually unchanged over the last century and, despite the many efforts to explain the position of Islam on various issues, most non-Muslims were still unaware of the truth of Islam and its noble human principles.

64. Within the framework of Islamic values, the notion of equality between all human beings applied regardless of race, colour, creed or social or economic status. Islam rejected all beliefs and ideologies that glorified race or fanaticism. Relations between individuals must be based on justice and interdependence in the full meaning of those terms.

65. Human rights were part of the essence of Islam. Shariah law honoured the human being regardless of gender, religion or colour. Islam had been the first to adopt and apply the principles of human rights, and that was not surprising, since it was the only revealed religion

whose teachings guaranteed mankind a decent, dignified and stable life, with rights suitable to everyone's needs. It also detailed the consecrated rights for every human being without ambiguity and leaving no room for doubt or argument. Other communities, which had subsequently adopted the Islamic heritage, were holding up the principles Islam had originally offered as if they were a new discovery.

66. The world was full of cases of shameful violations of human rights. The Palestinians were still living the tragedy of continued violent Israeli occupation, involving loss of life, confiscation of property, the building of settlements, restrictions on freedom and aggression against the Al-Aqsa mosque, all in violation of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War. OIC continued to insist that that Convention should be applied in the case of the Palestinian people on the West Bank and in Al-Quds (Jerusalem). Israel continued to flout the most elementary principles of human rights.

67. The Kashmiri people were still suffering blatant violations of their basic human rights as they fought for the exercise of their legitimate right to self-determination; while in Iraq, the long-standing embargo had taken a heavy toll of victims.

68. Muslims in Chechnya were being subjected to killings, destruction and terror, while the world turned away. He reiterated the call to Russia to end the indiscriminate aggression and withdraw its forces to their initial positions so that those who had been displaced could return and the Chechen question could be settled peacefully on the basis of justice, equity, rehabilitation and the respect of cultural and social specificity.

69. It was imperative to put a stop to such blatant violations of human rights so that all could enjoy the same rights to education, health, development and welfare. Those objectives could be achieved through cooperation based on mutual respect for the cultural idiosyncrasies of each people. In that regard, OIC was actively working to prepare for the United Nations Year of Dialogue among Civilizations, in 2001.

STATEMENT BY THE VICE-PRESIDENT OF COSTA RICA

70. Ms. ODIO BENITO (Costa Rica) said that the Commission faced the constant challenge of improving the existing human rights mechanisms. Only a respect for human rights could guarantee lasting international peace, which should be regarded as part and parcel of the Commission's work. Human rights were also an essential element in international relations, in that international harmony could exist only when life and justice, security and freedom for all were respected.

71. There could be talk of a new international order only when the international community took firm measures to ensure that human rights could be enjoyed by all. There should be real cooperation in promoting freedom, democracy, justice and peace, in line with the international human rights instruments. International harmony was essential also for attaining sustainable development and environmental protection.

72. Over the past decade, democracy had made significant advances in Central America and throughout the world. Strengthening democracy, however, was not simply a matter of holding

periodic, multi-party elections, but also of ensuring that people could live their lives with dignity, without violence, without fear or despair, in full equality of opportunity for economic progress and social development. Men and women, adults and children, citizens and non-citizens, should all enjoy the same rights. A start had been made, but it would be wrong to assume that progress would be easy. As Octavio Paz had said, strengthening democracy required imagination and courage.

73. It was important to live in accordance with the principle that every person was entitled to the enjoyment of human rights. A society could not be called just or democratic if its women did not enjoy the same esteem or opportunities as men, if children were not accorded the rights guaranteed under the Convention on the Rights of the Child or if those of a different race were discriminated against.

74. Her country had been deeply involved in many human rights initiatives within the United Nations system and at the regional level. One such had been the proposal that her delegation had put forward at the General Assembly of the Organization of American States (OAS) in Guatemala in June 1999, entitled "Dividends for Peace", which had been adopted by consensus. Peace brought with it a security that had to be defined in terms of economics, food, education, health and the environment, with all the associated benefits and human rights accrued, including the right to development. The "Dividends for Peace" initiative aimed at freeing the resources spent on conventional arms in order to fund economic and social development and, ultimately, to strengthen democracy and peace. She hoped that the initiative could serve as a model for the international community.

75. In November 1999, her Government had started a dialogue with all the countries of the inter-American system on reforming the regional human rights regime. The aim was ultimately to establish a permanent inter-American court which would provide direct recourse for any individual whose rights had been violated.

76. Education played an essential role in developing a culture of human rights. Her Government had therefore proposed that the United Nations should dedicate a decade to the link between education and human rights. The international community must understand the importance of education as a factor of change in society.

77. It was also important to remember that, for a society to find real peace particularly after living through a terrible war, it must have available to it legal mechanisms enabling the victims to obtain justice. Impunity was the enemy of peace, both nationally and internationally. Her Government therefore supported all initiatives to establish judicial bodies that could prosecute those who had violated human rights or international humanitarian law. The Commission must strive to ensure that, in the twenty-first century, the aspirations of the past became the reality of the present.

STATEMENT BY THE ATTORNEY-GENERAL OF ZAMBIA

78. Mr. MUTALE (Zambia) said that intra-State conflicts, which were characterized by a disregard for the rule of law, tended to undermine the protection and promotion of fundamental rights and freedoms. The scenario of the twenty-first century suggested that the existing mechanisms should be reviewed and further elaborated.

79. Zambia was a State party, without any reservations to all six main United Nations human rights instruments and to the African Charter on Human and Peoples' Rights. Its Constitution enshrined the protection of fundamental rights and freedoms for the individual and provided for the establishment of an autonomous human rights commission, which had become operational with the passing of the 1996 Human Rights Commission Act.

80. The issue of foreign external debt continued to prevent the full realization of economic, social and cultural rights in the developing world, which also suffered from the negative effects of the prescribed structural adjustment programmes. Moreover, official development aid (ODA) from the developed world was decreasing. His Government had, however, put in place safety nets to meet the needs of the very poorest, by means of the Public Welfare Assistance Scheme, which provided social support (including food and clothing) and contributed to health and education costs. Other poverty alleviation programmes included food for work, the social recovery fund and Project Urban Self-Help (PUSH).

81. The Government's objective was to reduce the poverty level from 72.9 per cent to 50 per cent by 2004. Various measures had been adopted to that end. The Ministry of Community Development and Social Services had been assigned the task of coordinating all poverty interventions and spearheading the preparation of a comprehensive National Poverty Reduction Action Plan. The enhanced structure adjustment facility had been replaced by the poverty reduction and growth facility, which, along with broad-based economic growth, should significantly contribute to addressing the people's economic and social problems. Social sector expenditure was being increased, within the limits of the Structural Adjustment Programme (SAP).

82. The country's efforts at development had been seriously constrained by its huge external debt, which was currently just over US$ 6 billion. Servicing the debt had limited the availability of resources for development and his Government, like many others, was in favour of significant debt relief or a total write-off in order to free resources for development programmes in the health and education sectors. He therefore welcomed the visit by the Independent Expert on structural adjustment policies to identify elements to support the cancellation of Zambia's external public debt.

83. His Government commended the initiative to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. His people had fought institutional racism in colonial regimes in southern Africa in the past. Racism had no place in the current efforts to build vibrant democratic societies.

84. Like all other developing countries, Zambia was determined to promote and implement the right to development. To that end it had participated in the African Regional Seminar on the Realization of the Right to Development, which had taken place in Yaoundé in December 1999.

85. Achieving a gender balance in all spheres of life was a priority. The Government had therefore established a Gender in Development Division, under the Office of the President, to achieve a gender balance in all activities and programmes. It was also reviewing legislation in a bid to amend laws that discriminated and created imbalances. A national gender policy had just been adopted. The national educational policy recognized the need to redress gender disparities in the educational system and health reforms currently being implemented included strategies such as gender capacity-building for health providers and integrated approaches to the provision of health services, enabling individuals to access different services during one visit. Moreover, the Government had allocated to women 10 per cent of the land available for distribution, while the remaining 90 per cent was competed for equally by women and men.

86. In response to the long-standing problem of violence against women in Zambia, the Government had established a Victim Support Unit, within the Police Service, to protect the victims of such violence. Supplementing the Unit's efforts, non-governmental organizations (NGOs) had introduced drop-in centres and shelters for battered women and abused children, as well as counselling services for victims and perpetrators of violence.

87. The HIV/AIDS pandemic had taken its toll of Zambia's development efforts. The social gains of the past were being eroded as HIV gained ground within the productive age group. The pressures on health providers were enormous and, owing to debt servicing, sufficient investments could not be made. The Government had taken action to establish a technical committee on natural remedies to examine and validate or otherwise the various natural remedies offered to improve the quality of life for individuals affected by HIV.

88. His Government was fully committed to the realization of all international human rights standards. It was, however, inhibited by a number of factors beyond its control, which required external intervention by those deemed to be the country's cooperating partners. There could never be full enjoyment of human rights in the midst of poverty and underdevelopment. He therefore urged the Committee to intensify its efforts to devise ways of helping countries in the South reduce poverty levels and begin to register growth.

The meeting rose at 1 p.m.

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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 9TH MEETING

Held at the Palais des Nations, Geneva,
on Friday, 24 March 2000, at 3 p.m.

Chairman: Mr. SIMKHADA (Nepal)

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RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION (continued)

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GE.00-12087 (E)

The meeting was called to order at 3.05 p.m.

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION (agenda item 6) (E/CN.4/2000/15, 16 and Add.1, 17 and 134; E/CN.4/2000/NGO/18, 28, 30, 53, 69, 102 and 122; E/CN.4/Sub.2/1999/7 and Add.1 and 8; A/54/347) (continued)

1. Ms. NASCIBENE DE DUMONT (Argentina) expressed her delegation's dissatisfaction with the late publication and distribution of the Special Rapporteur's report.

2. The information available on agenda item 6 only served to increase the international community's concern and fully justified the holding of the World Conference against Racism in 2001. Intolerance, discrimination, xenophobia, conflicts involving minorities and the dissemination of ideologies based on racial hatred and scorn varied in their intensity and ranged from latent or covert forms through the worst excesses, such as ethnic cleansing.

3. Whatever their form, such manifestations were found everywhere, including Argentina, although the cases there were sporadic and isolated. Argentina's periodic reports to the Committee on the Elimination of Racial Discrimination described the legislative and administrative measures adopted to face the problem, which were aimed primarily at establishing punishment and determining the amount to be awarded as compensation in discrimination cases, setting severe sentences for racist offences and punishing the advocates of racial superiority.

4. However, efforts should not be limited to punishment, but must focus on prevention of such occurrences, which wore away the social fabric. National institutions and Ombudsmen played an important role in monitoring such phenomena and strengthening tolerance, equality and democratic values.

5. Combating racism, racial discrimination, xenophobia and all forms of discrimination was an area particularly conducive to international solidarity, in which the experience of some could serve to help all. For that reason, the Argentine Republic fully supported the holding of the World Conference and welcomed the fact that it was taking place in South Africa, which had become the champion of anti-racist action in everyone's eyes. Argentina had also accepted with pleasure the offer of the Government of Brazil to host the regional preparatory meeting.

6. Mr. NAVIKAS (Observer for Lithuania) said that Lithuania aligned itself with the European Union statement on the issue of racism. Lithuania was a party to the International Convention on the Elimination of All Forms of Racial Discrimination, and the principles contained in the Convention were included in its legal system. Lithuania had also acceded to other international instruments on racism, such as the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

7. The Department of National Minorities and Regional Problems, responsible for formulating and implementing State policy on relations between national minorities and ethnic groups, had been established in 1989. Lithuanian law allowed national minorities tc establish public and cultural organizations and political parties. At present there were three political organizations representing national minorities: the Lithuanian Polish Election Action, the

Lithuanian Russian Union and the Lithuanian Citizens' Alliance. Eighteen minorities had their own organizations. There were already more than 220 public organizations representing national minorities or ethnic groups in Lithuania, as opposed to 60 in 1993.

8. The Gypsies, Karaites and Tatars were classified as ethnic groups in Lithuania, as they did not have national States. Their ancestors had settled in Lithuania many centuries before. The State's programme for the commemoration of the six hundredth anniversary of the Tatars' and Karaites' settlement in the Grand Duchy of Lithuania was a sign of the authorities' interest in the history of those groups.

9. To combat racism and intolerance, the Lithuanian authorities attempted to promote dialogue not only among ethnic groups, but among civilizations as well. With that in mind, they were organizing an International Conference on Dialogue among Civilizations, to be held under the auspices of the President of the Republic of Lithuania and the Director-General of UNESCO in 2001.

10. The Stockholm International Forum on the Holocaust, held from 26 to 28 January 2000, had been an important contribution to the struggle against racism, xenophobia and intolerance. As a follow-up to the Conference, in October 2000 Lithuania would be organizing an international forum on the looted cultural property of Holocaust victims.

11. Mr. PELEG (Observer for Israel) said he would dedicate his remarks to the memory of Ambassador Morris Abram, Chairperson of UN Watch, who had passed away a week earlier. Morris Abram had dedicated his life to the fight against racism and anti-Semitism and had been instrumental in the Commission's adoption of the resolution condemning anti-Semitism.

12. Having been born in Israel, then under British mandate, in the course of the Second World War, he owed his survival to the fact that the German army's march eastward in North Africa had been stopped at El Alamein by the British Eighth Army commanded by Field Marshal Montgomery. His parents' generation had hoped that, after the war and the liberation of the concentration camps, anti-Semitism would come to an end. Unfortunately that had not been so. In recent years especially, the world had been witnessing a rise in anti-Semitic attitudes; there were efforts to deny that the Holocaust had ever occurred and the concentration camps were portrayed as "punishment camps", as if the inmates had been criminals.

13. It was true that there were many differences between the situation in the 1930s and 1940s and the current situation. The most important one was the existence of the State of Israel, which was the ultimate response to Auschwitz and expressed the redemption of the Jewish people. Pope John Paul II, who had recently visited the Yad Vashem Holocaust Memorial in Jerusalem, had reiterated his condemnation of anti-Semitism and racism and emphasized the need to remember, for a purpose, namely to ensure that never again would evil prevail, as it had for millions of innocent victims of Nazism.

14. He welcomed the initiative of the Prime Minister of Sweden, who in January 2000 had convened the Stockholm International Forum on the Holocaust, in which heads of State or Ministers from 43 countries had participated. In the Declaration adopted at the end of

the Conference, the participants had pledged to strengthen their efforts to promote remembrance and research about the Holocaust and encourage study of the Holocaust in all its dimensions.

15. The recent rise of extreme right movements in Europe was of great concern. The question raised was whether the success of those movements in certain countries was linked to the measures those States had taken or had failed to take in the wake of the Holocaust. If there was a linkage, it underlined the importance of educating the young generation to know what had happened and to dedicate themselves to ensuring that it would never happen again. The Government of Israel hoped that the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance would contribute to the fight against racism and anti-Semitism.

16. Mr. CUELLO CAMILLO (Observer for the Dominican Republic) welcomed the holding of the forthcoming World Conference and noted that States which were former colonies had particular experience on the issue of racism.

17. The Dominican Republic, a tropical country in the Caribbean, was the product of a racial and cultural mix. The Dominican Republic and Haiti shared the former island of Hispaniola, first a Spanish colony and later occupied in the west by the French, which had given rise to two ethnically and culturally distinct nations. The first nation had received populations brought from Africa to work on the plantations, and had become the first Black republic in the world. The second nation, the Dominican Republic, had gained independence in the mid-nineteenth century. Interbreeding and the incorporation of indigenous, African and Spanish population groups had given rise to a Creole population, basically identified as mulatto.

18. Although the racial issue had been exacerbated by dictator Rafael Trujillo from 1930 to 1961, the Dominican Republic was now characterized by harmonious coexistence among the various racial groups. At no moment, either before or after the dictatorship, had racial discrimination been a component of State policy. Naturally that did not mean that there had been no individual acts of discrimination. However, discrimination in the Dominican Republic was social and economic rather than racial.

19. The gap in the economic positions of the two neighbouring republics, Haiti and the Dominican Republic, led to illegal immigration by Haitian citizens towards the Dominican Republic in search of a better life. The presence of such immigrants created sensitive situations which could give rise to forms of racial discrimination and xenophobia. The Governments of the two republics, led by Leonel Fernández and René Préval respectively, were aware of those difficulties. They were endeavouring to gain better control over Haitian immigration and to guarantee Haitians' fundamental rights. The bi-national Dominican Republic-Haiti Commission had held numerous meetings on that subject. In the domestic sphere, a draft law on immigration was before the national Congress and should replace the law which had been in force since 1939.

20. The Dominican Republic, which was a signatory of the International Convention on the Elimination of All Forms of Racial Discrimination, supported the efforts of the United Nations High Commissioner for Human Rights to ensure the success of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

21. Ms. VIVAS (Observer for Uruguay) said that the convening of the World Conference against Racism provided an opportunity to renew commitments to combating racism at the national, regional and international levels. She welcomed the fact that the World Conference was being hosted by South Africa and that the Government of Brazil was organizing the preparatory meeting for the region of Latin America and the Caribbean. The first meeting of the preparatory committee, to be held in early May, would be an important step. For its part, the Government of Uruguay had sponsored a seminar convened by the organization Mundo Afro for representatives of Black organizations in Latin America and the Caribbean. The seminar had been held in Montevideo from 13 to 19 March 2000.

22. Mr. STROHAL (Observer for Austria) said that the principle of non-discrimination was a cornerstone of Austria's human rights policy both domestically and in international affairs. While subscribing to the European Union statement, he would also like to point out some specific elements of the Austrian Government's commitment to combating racism.

23. The Austrian authorities placed particular emphasis on the education of children and adults for fostering tolerance and pluralism. Every member of civil society and politicians in particular had a responsibility in defending those values. In Austria, special human rights programmes were undertaken in the schools, for pupils, teachers, the police and the judiciary. The Government of Austria was participating actively in the preparations for the World Conference against Racism and the regional preparatory meeting organized by the Council of Europe; it was honoured to be entrusted with chairing the Preparatory Committee.

24. The protection of ethnic or religious minorities was high on the agenda of Austria's domestic and foreign policy. Austrian legislation contained a range of provisions ensuring not only non-discrimination, but also the criminalization of racial insults or incitement to racial hatred. In addition, a specific constitutional amendment bound all Austrian legislation and practice to the International Convention on the Elimination of All Forms of Racial Discrimination. In addition to the judiciary, a wide range of institutions ensured the application of laws prohibiting discrimination. Several funds and programmes had been established to ensure the harmonious integration of foreigners into Austrian society.

25. Notwithstanding those efforts, problems persisted, in Austria as in many other countries, in Europe and elsewhere. The Austrian Government was committed to taking effective measures to combat racism and xenophobia. In its statement of 4 February, it had committed itself to taking vigorous steps to counter every way of thinking which sought to denigrate human beings and to ensure full respect for the rights of people of any nationality living in Austria.

26. That commitment was based on a long-standing humanitarian tradition. Over the past decades, Austria had provided a new home to people fleeing persecution, totalitarian regimes and war. They now constituted nearly 10 per cent of Austria's overall population. In the last few years alone, Austria had provided protection to many refugees. It had received more than 100,000 displaced persons following the outbreak of war in the former Yugoslavia, proportionally more than any other Western European country. Austria remained committed to its humanitarian tradition and would maintain its openness to the world. Given the complexity of Austria's history in the twentieth century, the Government felt a special responsibility to combat all forms of racism, racial discrimination and xenophobia.

27. Mr. ZAFERA (Madagascar) said that his delegation had read with interest the documents under the current agenda item; he commended the Office of the High Commissioner for Human Rights for its work in preparing the World Conference against Racism. The success of the Conference would largely depend on the proper conduct of the preparatory process. Worthy of mention were the Office's consultations and research on the use of Internet to incite racial hatred and the opening of an Internet site on the preparations for the World Conference. His delegation welcomed Senegal's offer to host the preparatory meeting for the African region and expressed appreciation for the active participation of the Ambassador of Senegal, Ms. Absa Claude Diallo.

28. The re-emergence of different forms of racism throughout the world was a source of deep concern. Pernicious and violent forms of racism had appeared in countries which boasted a long-standing tradition of liberalism; other, more subtle, forms were appearing, for example in employment or housing. The international community must act forcefully to ensure that those manifestations of racism did not continue, much less flourish, and must not underestimate the danger represented by the use of Internet for racist propaganda.

29. His delegation welcomed the conclusions and recommendations in the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Glèlè-Ahanhanzo. It also supported the activities of the International Labour Office to eliminate discrimination in employment or occupation on the basis of race, colour or national origin.

30. Action to combat racism and racial discrimination was a long-term undertaking, in which not only Governments, but also the different actors of civil society and the media must take part. Given its insularity and the racial mix of its population, Madagascar was unaware of the very notion of race as a criterion for differentiating human beings. It was a party to numerous international human rights instruments, had enshrined the defence of human dignity in its Constitution and rejected discrimination on any basis whatsoever. Its rejection of discrimination was reflected in the Penal Code.

31. Three decades of effort since the adoption of General Assembly resolution 3057 (XXVIII) on 2 November 1973 had not been sufficient to eliminate racism and racial discrimination. The international community must protect future generations from their harmful effects; for that reason, it must act decisively to combat the re-emergence of certain racist ideologies.

32. Mr. AMORIM (Brazil) reaffirmed his Government's willingness to participate in the World Conference at all levels, in an effort to identify problems and promote the rights and fundamental freedoms of the human race. As recently stated in the report of a seminar held in Bellagio, Italy, there was only one race, the human race. That was the only race which must be defended at all costs.

33. In an age of globalization and increasing awareness of a common destiny, there could be no place for prejudice, stereotyping and intolerance. However, no society had yet reached a state where exclusion or preference based on colour or origin had entirely disappeared.

34. Despite continuing advances - the dismantling of apartheid in South Africa was a major accomplishment - serious efforts were required to deal with the multiple contemporary expressions of intolerance. New forms of ethnic violence plagued societies in transition and old tribal rivalries were exploited for political gain in many places, including Brazil. The promotion of equality and respect for diversity worldwide required a universal approach.

35. Brazil had offered to host the regional preparatory meeting for the World Conference. The meeting would provide an opportunity to raise the level of awareness of the general public with regard to the objectives of the Conference and identify its priorities. In addition, the first meeting of the Preparatory Committee for the Conference, to be held immediately after the Commission's session, should provide some orientation for the regional process. Organizational aspects, including the issue of financial assistance for the regional preparatory meetings and the question of ensuring as wide participation of NGOs as possible, should also be dealt with during the preparatory process.

36. The disturbing re-emergence of certain trends raised the question of the compatibility between xenophobic political platforms and good governance and democracy. As numerous international instruments indicated, the banner of freedom of expression could not be used to conceal the propagation of racist attitudes. The Declaration on the Elimination of All Forms of Racial Discrimination stated that government policies based on ideas of racial superiority or hatred violated fundamental human rights, endangered friendly relations among peoples, undermined cooperation among nations and threatened international peace and security.

37. It was worth considering whether the mechanisms of the Commission and the treaty bodies should not delve more deeply into the implications of racist political trends, not only from the point of view of combating intolerance, but also as a way of promoting democracy and good governance.

38. It was most unsettling that, half a century after the adoption of the Universal Declaration of Human Rights, racism and xenophobia were again on the rise. His delegation believed that that serious problem must be one of the world's priorities, and it wholeheartedly supported the High Commissioner's efforts as Secretary-General of the Conference. Given its political, social and ethical implications, the World Conference against Racism stood as a major international event, capable of drawing upon the lessons of the past to set the new century on a sustained course of transformations that would benefit all of humanity.

39. Ms. DIALLO (Senegal) recalled her remark, at the Round Table organized by the Office of the High Commissioner for Human Rights on the occasion of the International Day for the Elimination of Racial Discrimination, that in all parts of the world racism continued its insidious undermining process, progressively corrupting human minds. For that reason Senegal had campaigned actively, in December 1997, for the convening of the third World Conference against Racism in 2001.

40. Ironically, at a time when integration was occurring worldwide, thanks in particular to scientific and technological progress, fear and denial of others were taking on alarming

proportions, political groupings in certain countries were openly based on racism and xenophobia, and religious and political intolerance, hatred of foreigners and a culture of racial superiority remained a major threat to human civilization.

41. The time had therefore come for collective introspection in an effort to root out ideas of racial or ethnic superiority and xenophobia. In that connection, Senegal could only express its regret at the lack of interest shown in the Third Decade to Combat Racism and Racial Discrimination, and placed its hopes in the World Conference to be hosted by South Africa in 2001. No effort should be spared to mobilize national and international public opinion in favour of the objectives of the Conference. Emphasis should be placed on education and awareness-raising and the use of modern information technologies, in particular Internet, whose use for the propagation of racist and anti-Semitic material should be condemned.

42. Senegal had offered to host the regional African Meeting for the World Conference, convinced as it was that any form of discrimination was the very negation of the principle of equality among all.

43. Mr. GALLEGOS (Ecuador) said that the organization of the World Conference against Racism and the launching of the Third Decade to Combat Racism and Racial Discrimination bore witness to the will of the international community to combat a scourge which affected all countries, whatever their level of development, in all spheres - economic, social, cultural and political - as shown in the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/2000/16 and Add.1).

44. The principle of the indivisibility of human rights was particularly relevant where racism was concerned. Discrimination against people because of their national origin or the colour of their skin went hand-in-hand with the loss of civil, political, economic, social and cultural rights. In recent years, a considerable number of Ecuadorians had gone to work in North America and Europe. It was incumbent on the host countries to protect migrant workers against racism and xenophobia. Many Ecuadorian nationals had complained of being treated in a discriminatory manner in international ports and airports. The fact that travellers from certain regions were systematically subjected to harassment at borders was inadmissible. The World Conference against Racism should study the concrete manifestations of racism and xenophobia, in particular against women.

45. The Secretary-General's report under Commission on Human Rights resolution 1999/78 (E/CN.4/2000/15) correctly observed that the three pillars of action to combat racism were legislative changes, information and the teaching of tolerance. That was the spirit in which Ecuador, which was a party to the International Convention on the Elimination of All Forms of Racial Discrimination and whose Constitution and legislation contained provisions for combating racism and xenophobia, would participate in preparations for the World Conference.

46. Civil society and the NGOs should also take part in the combat to which he had referred. The major world religions also had a role to play. In that connection, sovereign pontiff John Paul II had set the example by asking forgiveness for the conduct of the Catholic Church in relation to the extermination of the Jews 50 years before.

47. Mr. SABHARWAL (India) said that in certain parts of the world racism cast a long shadow, permeating schools, neighbourhoods and the public administration, in particular the police, system of justice and the workplace. Racism could take violent forms, such as the murder of migrant workers. Simultaneously, xenophobia was reflected in national legislation relating to the right to asylum and the free movement of persons. Social and political groups freely propagated racial superiority, in particular through Internet. In addition, concepts of regional fortresses tended to generate a climate of distrust towards foreigners, who were regarded as rivals and a threat to local prosperity, culture and identity. The international community must first acknowledge the problem in all its complexity and then study its root causes, in particular economic, and take care not to confuse racism with other aspects of discrimination, as unfortunately was often the case.

48. Regarding measures to combat racism, he regretted that the Third Decade to Combat Racism and Racial Discrimination had not yielded the expected results, for lack of momentum and finances. It was also a matter of concern that various activities planned for the World Conference were largely dependent on voluntary contributions.

49. He hoped that the World Conference would be instrumental in framing specific programmes to combat racism, particularly in the fields of education, culture and information. The Conference should reaffirm diversity and pluralism as values which enriched rather than undermined societies.

50. India would participate actively in the forthcoming preparatory meeting for the Conference, in which representatives of civil society should also be represented. The Commission must send a clear message to the international community to do everything in its power to make the Conference a success.

51. Ms. GUSYNINA (Russian Federation) said that she was in complete agreement with the Special Rapporteur's remark that racism, intolerance and ethnic rivalries affected all parts of the world and were taking on increasingly sophisticated forms.

52. As the High Commissioner for Human Rights had stated in one of her reports, racism was the product of the environment. With that in mind, her delegation found signs of racism in the developed democracies to be particularly distressing. To combat it, the masses must be educated in a spirit of tolerance and respect for national and ethnic diversity. The eradication of racial prejudices must become a priority for all countries without exception.

53. It was difficult to understand why the European Union countries reacted strongly to certain manifestations of nationalism while overlooking increasing chauvinism in countries which sought to join the Union. For example, on the eve of the fifty-fifth anniversary of the end of the Second World War, there were fascist demonstrations in central Europe once again, in the City Centre of Riga, Latvia, where former members of the Waffen SS had held a demonstration on 16 March 2000. That event again confirmed the will of certain Latvian circles to change the course of history. Russia had repeatedly drawn its European partners' attention to the threat represented by Riga's revisionist attitude.

54. Russia supported the work of the Special Rapporteur, Mr. Glèlè-Ahanhanzo, but could not accept the Rapporteur's endorsement, in his report, of the University of Tel Aviv conclusions to the effect that the authorities did not react to manifestations of anti-Semitism in Russia. The information furnished by the Russian Federation, included in the report, gave the lie to such conclusions. The Duma was preparing to consider a draft law prohibiting Nazi insignia and literature and amending the Penal Code of the Federation accordingly.

55. In addition, her delegation requested the Special Rapporteur to take up the case of States which had not submitted a report to the Committee on the Elimination of Racial Discrimination for several years.

56. Her delegation associated itself with all the delegations which believed that the future World Conference against Racism should take into account the concerns expressed at the current session of the Commission and devise concrete and effective means of combating the universal scourge of racism.

57. Mr. HASSAINE (Observer for Algeria) said that the world was witnessing the emergence of new and pernicious forms of racism, xenophobia and intolerance, on which certain politicians did not hesitate to base their programmes. They stirred up hatred of foreigners by holding them responsible for all the problems and difficulties of modern society. Graver still, others revived past rivalries among peoples, cultures and civilizations. The principle of "national preference" aimed in fact to legalize discrimination against not only emigrant communities but their descendants. That situation of marginalization and exclusion gradually pushed such communities towards ghettoization, with its potential for multiple forms of rebellion, including crime. It was distressing to note that racist speech and attitudes, especially by certain politicians, were becoming commonplace and were no longer condemned as they should be. Also on the rise were chauvinistic nationalism and forms of extremism which often had tragic consequences, examples being so-called ethnic cleansing operations.

58. The World Conference against Racism was of paramount importance in such a context. More than simply observe, it must plan concrete measures liable to combat racism, xenophobia and intolerance effectively.

59. It was also urgent for the international community to study the question of strengthening international protection for the victims of racism and xenophobia, who consisted essentially of migrant workers and their families. For that reason States which had not yet done so were invited to recognize the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals claiming to be victims of a violation based on race, sex or religion.

60. Mr. TARAN (Observer for the International Labour Organization) said that ILO had a long history of combating all forms of discrimination in employment, as indicated by the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), ratified by 141 States, which called for the elimination of any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin which had the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

61. In addition to its standard-setting activities, ILO carried out educational and research activities aimed at changing behaviour in the workplace and ensuring international dialogue to improve the implementation of anti-discrimination measures.

62. In that context, ILO attached great importance to the preparations for the World Conference against Racism. It had launched a project entitled "Combating discrimination against (im)migrant and ethnic minority workers in the field of work" in 1991. ILO research had measured disturbing levels of discrimination in access to employment. In the last phase of the project, Governments, employers and workers from 14 Western European and North American countries had met to examine new approaches to combating racial discrimination and xenophobia. Observers for United Nations and regional intergovernmental organizations, national anti-discrimination monitoring bodies, NGOs and migrant groups had contributed to the debate. The measures developed through the high-level meeting would be an important contribution to the work of the Preparatory Committee for the World Conference against Racism.

63. Participants had also recommended that the United Nations treaty bodies, in particular the Committee on Economic, Social and Cultural Rights, should pay particular attention within their respective mandates to the protection of migrant workers' rights. Representatives of participating intergovernmental organizations had agreed to convene an informal inter-agency working group on cooperation in anti-discrimination efforts.

64. Mr. KHORRAM (Observer for Iran) said that 50 years after the proclamation of the Universal Declaration of Human Rights, the notion of white supremacy was once again giving rise to racism, racial violence, racial discrimination and incitement to racial hatred. Unfortunately, United Nations action to combat racial discrimination through the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and the Decades for Action to Combat Racism had not yielded the desired results. The Commission had consequently decided to convene the World Conference against Racism, to raise public awareness of that issue.

65. The international community and relevant organizations should take more coordinated measures to ensure that the regional preparatory meetings and the World Conference itself fulfilled their historical role in the anti-racism campaign. In particular, the regional meetings for Asia, Africa and Latin America should not be jeopardized for lack of financing. In resolution 1999/78, the Commission requested the Secretary-General, the United Nations specialized agencies and the regional economic commissions to provide financial and technical assistance for the organization of the regional preparatory meetings.

66. The Islamic Republic of Iran, which would host the preparatory meeting for Asia, warmly thanked the High Commissioner for Human Rights for her efforts for the preparatory phase of the World Conference, and was prepared to extend her its full cooperation.

67. Mr. TEKLE (Observer for Eritrea) denounced the situation in Ethiopia, which was one of ethno-apartheid. The country was divided into administrative zones reminiscent of apartheid South Africa's Bantustans. Power was held by a single ethnic group, the people of Tigray, which had its own army and controlled the country's economic wealth.

68. Mr. ALEMU (Observer for Ethiopia), speaking on a point of order, said that the statement of the representative of Eritrea was not directed to the agenda item under review.

69. The CHAIRMAN asked the representative of Eritrea to direct his remarks to agenda item 6.

70. Mr. TEKLE (Observer for Eritrea) said that the minority group in power in Ethiopia had built up an extremely powerful army equipped with the most modern weapons, including landmines.

71. The CHAIRMAN noted that the foregoing remarks were unrelated to the agenda item under review.

72. Mr. ANOSHKO (Observer for Belarus) said that 22 per cent of his country's population, or one inhabitant out of five, belonged to different nationalities. The largest was the Russian minority, but there were also Poles, Ukrainians, Jews, Tatars and Gypsies.

73. The situation of those minorities was characterized primarily by stability, in that there were no ethnic, racial or religious conflicts among the various groups. That stability was due to the policy of the State, which made every effort to enforce the law in all areas of society. The Belarusian Constitution also established equality among the members of all nationalities, prohibited incitement to racial hatred and recognized the right of everyone to use his or her own language. The Citizens' Act, adopted in 1991, enabled everyone living in the national territory to acquire Belarusian citizenship. Similarly, under laws also enacted in 1991, all minorities were able to develop their own culture, establish schools and cultural associations and provide education in their mother tongue. Finally, in 1992 a law on national minorities in Belarus had been adopted, giving legal definition to relations among the various nationalities. The different communities had participated actively in drafting the law.

74. The Republic of Belarus was a plurinational State where citizens enjoyed equal rights and were able to preserve their identity.

75. Ms. BHATTACH ARJYA (Women's International League for Peace and Freedom) commended South Africa for its offer to host the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance; South Africa was a historically significant venue given the country's racist past.

76. She warned against the inappropriate use of the term "race", as there was only one race: the human race. Racism had a political and economic agenda, and the fact that it continued to grow meant that there were groups which gained from it and used it to perpetuate their privileges. In that context, Mr. Oloka-Olyango's working paper to the Sub-Commission on the Promotion and Protection of Human Rights on globalization in the context of racism (E/CN.4/Sub.2/1999/8) brought out the links between racism, capital and market laws.

77. Women, in particular women of colour, were the primary victims of racism, even more than men. Women of colour and indigenous women had made remarkable contributions to understanding the complex ways in which sexism and racism intersected. The preparations for

the World Conference should draw on those contributions and on the experience of the NGOs. She urged States to contribute generously to the Voluntary Fund for the World Conference, and to earmark a proportion of their contribution to ensure NGO participation. She hoped that NGOs in both consultative and non-consultative status would be involved in the preparatory process and that both governmental and non-governmental delegations attending the World Conference would be truly representative of the diversity of populations.

78. Mr. BITAR (North-South XXI) made a strong appeal on behalf of the children and unarmed civilians who had been forced to leave their homes and had later been killed or maimed in the bombings of Lebanon while seeking refuge in a place where they had thought they would be safe. One of his own sons had perished in those bombings, another had been wounded and their mother had been maimed. He urged the Commission to put an end to the murders of civilians in Lebanon. He demanded justice and equity for children who asked nothing more than to live in peace. Military aeroplanes bombed their homes every day, the inhabitants were forced to leave and their fields burnt. It was imperative to ensure that armies actually withdrew from Lebanon by enforcing the resolution adopted on that issue 20 years earlier, which had never been applied. The daily shootings must be stopped, the victims of such atrocities, especially the orphans, must be helped and the children of Lebanon must be allowed to have normal lives.

79. Mr. GONZALES (International Indian Treaty Council) drew attention to insidious forms of racism and intolerance, especially towards indigenous peoples. He referred in that connection to the disproportionate application of executions to Indians in the United States. One example was the case of Darryll Rich, a Cherokee recently executed in California. Mr. Rich had sought authorization to participate in a traditional Indian purification ceremony before his execution, under conditions offering full security guarantees. He had been denied that solace, officially for security reasons, in an obvious manifestation of racism. No other last rites, whether Buddhist, Christian, Jewish or Muslim, had ever been known to be denied a condemned person by the State.

80. Following an investigation into the human rights of indigenous peoples in the United States, the Special Rapporteur on religious intolerance had found that the United States had not been complying with its international obligations in relation to Native Americans. The Special Rapporteur would be playing an important role in the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. He urged the Commission and its Bureau to ensure that the World Conference on Racism addressed all aspects of racial discrimination and to allow those without a voice in their States a role in describing the daily practice of racism in all its forms and offering solutions.

81. Mr. AHMAD (World Muslim Congress) noted that signs of xenophobia were everywhere and that the shock of the Holocaust, which had caused the world to say, "Never again!", seemed to be losing its effectiveness. Evidence was everywhere: genocide in Rwanda, the decimation of 10,000 Muslim men in the United Nations safe area of Srebrenica, genocide in Kosovo, etc. Xenophobia had become a reality of life, and Islamophobia was one of its new offshoots. Ethnic cleansing had been joined by techniques of humiliation, the latest being male rape, whose devastating effects were obvious from the testimony of victims before the Hague Tribunal and those in Chechnya's filtration camps.

82. The will to annihilate the culture or religion of others was particularly striking in India, where Hindu organizations directly connected to the BJP, the political party in power, sought to "Hinduize" the other minorities and destroy their sacred monuments. The same was true in Yugoslavia, where 207 mosques had been destroyed in Serbian-controlled Bosnia. Similarly, in Kosovo, 600,000 volumes from the National Library in Pristina had been reduced to pulp by the Serbian authorities. In other regions of the world, xenophobic practices took other forms. For example, according to reports in the press, landlords in Norway were allowed to specify "Europeans only" when advertising apartments to let.

83. Xenophobia and other forms of discrimination were not new; they had simply become more violent. Some suspected a base human instinct responsible for hostility towards those belonging to other racial or ethnic groups. It was necessary to fathom the human psyche to identify the source of that instinct. He hoped that the World Conference against Racism to be held in 2001 would be able to accomplish that task.

84. Mr. GLELE-AHANHANZO (Special Rapporteur) said that he had listened with interest to the statements on agenda item 6. Members obviously wished the preparatory process to take place in a methodic, even scientific, manner, in order that concrete decisions might be taken in the different areas to be addressed at the Conference, namely education, the economy and the social sector. He urged States and donors to contribute to the funding for the Conference in order to make it as effective as possible.

85. Ms. JANJUA (Pakistan) referred to Commission resolution 1999/82, entitled "Defamation of religions", in which it had called upon the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to take into account the provisions of that resolution when reporting to the Commission at its fifty-sixth session. However, there was no reference to that resolution in the Special Rapporteur's report. Her delegation hoped that the Special Rapporteur would correct that omission in future reports.

Rights of reply

86. Mr. MAHMOUD (Sudan) said that his delegation categorically rejected the allegations made by Mrs. Albright, Secretary of State of the United States of America, to the effect that slavery was practised in the Sudan. He referred to Commission resolution 1999/15 of 23 April 1999, which spoke of "abduction" rather than slavery. The National Committee for the Eradication of Abduction had been able, in the space of four months, to identify 700 children who had been reunited with their families. His delegation greatly appreciated the support and cooperation extended to it by the European Union, UNICEF, the Canadian Government and several international NGOs. If the United States administration was as concerned as it claimed to be, he called on it to assist the Sudanese Government in its efforts to eradicate that practice.

87. Mr. OULD SIDI HAIBA (Observer for Mauritania) said he wished to reply to the charges levelled at his country by the NGO "Agir Ensemble". The charges in question were totally false. Mauritania had never ceased to work for human rights and had a long-standing tradition of understanding and harmony among the different ethnic groups which made up the country. Mauritania had acceded to the international human rights instruments. It was a pluralist democracy which endeavoured to enforce the rule of law and which had an independent press.

Unfortunately, a group of Mauritanians working from abroad were spreading propaganda and lies and conducting activities harmful to the country. By its actions that fringe group excluded itself. Its negative attitude did nothing to advance the cause of human rights.

88. Mr. BAUMANIS (Latvia), referring to the statement made earlier by the representative of Russia, said that the case mentioned concerned a criminal act which had been punished as such. The perpetrator had been prosecuted not for his political convictions but for burning two families alive in their own houses in 1944.

89. The representative of Russia had also spoken of the 16 March gathering of Latvian war veterans. The event in question had not been recognized as official and there had been no Government or military participation. It had simply been a gathering of several hundred old men who had been illegally drafted by the Nazi regime in the last years of the war; all they had done was attend a church service and lay wreaths in a cemetery. At no point had they made any statements or displayed any symbols of fascism. Latvians had suffered under both Nazi and Soviet occupation, and had no reason to defend either totalitarian system.

90. At a time when Latvia was preparing to honour the memory of more than 40,000 Latvians deported to the Gulag on 25 March 1949, the Russian statement was particularly distasteful. The Russian people had made a definite contribution to combating fascism, but it did not seem to have fully overcome its Stalinist legacy. In the interest of Russia's future democracy it must face up to its past, namely the occupation of the Baltic States and the repression against their peaceful citizens.

The Chairman declared the debate on agenda item 6 closed.

The meeting rose at 5.35 p.m.

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Fifty-sixth session

SUMMARY RECORD OF THE 10th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 27 March 2000, at 10 a.m.

Chairman: Mr. SIMKHADA (Nepal)

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Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-12112 (E)

The meeting was called to order at 10.10 a.m.

THE RIGHT TO DEVELOPMENT (agenda item 7) (E/CN.4/2000/19-21; E/CN.4/2000/NGO/54, 70, 99 and 123; E/CN.4/1999/WG.18/2)

1. Mr. SENGUPTA (Independent expert on the right to development) said that his study, contained in document E/CN.4/1999/WG.18/2, had not yet been considered although it had been submitted to the open-ended working group on the right to development in July 1999. He did not believe it would be prudent or useful to amend the study until he had received instructions from the working group.

2. The essential theme of the study was that there was no distinction between civil and political rights, on the one hand, and economic, social and cultural rights, on the other. What was required was the freedom to develop. While the North-South divide of the 1970s had lost much of its relevance, the urge for equality of opportunity and social justice remained a fundamental motivation of all human rights claims. Development meant not just the provision of material goods but also the freedom to choose one's destiny. States must accept their responsibility for assuring the realization of the right to development.

3. His study had also developed three lines of action that the world community could adopt to enhance enjoyment of some basic rights. He did not assert that they were more important rights than others, but simply that goals were achievable in those areas. The world could be made free of hunger, poverty and illiteracy within five to seven years, thereby enhancing human dignity, the fundamental reason for pursuing the right to development.

4. Mr. SUMI (Japan) said that his delegation had already stated its position with regard to the right to development (E/CN.4/1999/WG.18/2/Add.1), but he wished to highlight a few points that it considered important, since they could bridge the gaps between divergent schools of thought.

5. In the first place, there was already a common understanding that the subject of the right to development was the human person. That was clear from paragraph 10 of the Vienna Declaration and Programme of Action and from paragraph 3 of Commission resolution 1999/79.

6. The right to development did not entitle developing countries to claim assistance from developed countries nor to have their foreign debts reduced or forgiven. There had never been any official agreement to that effect. At the same time, there should be greater cooperation between developed and developing countries, as well as those in a transitional stage, in realizing the right to development, but the discussions should proceed on the basis of consensus.

7. The process would require time and effort. It was therefore necessary to act realistically and draw up priorities. In his delegation's view, those priorities should be the rule of law and good governance. The independent expert was correct, moreover, in advocating the prioritization of "core" rights and in stressing the need to work out a programme of action. Cooperation was also necessary, not only among individuals and organizations working in the human rights field but also with those in other fields.

8. He hoped that, when it finally met, the working group would be able to have a substantive and meaningful discussion, based on a consensus approach. The debate that had taken place in Sana'a, Yemen, in February 2000, within the framework of the inter-sessional workshop on human rights in the Asia-Pacific Region, had been conducted in a practical and serious way.

9. Recent Commission resolutions on the issue under consideration had been adopted by consensus. It was regrettable therefore that a confrontational approach had been adopted within the Third Committee of the General Assembly in 1999. Such an approach was counter-productive and a step backward from the achievements of the fifty-third session of the General Assembly, when a consensus had been close. The realization of the right to development required a strong commitment from every member of the international community and any resolution on the issue should be adopted by consensus.

10. Mr. MENDONÇA E MOURA (Portugal), speaking on behalf of the European Union and the associated countries of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey, said that they attached great importance to the right to development. The working group, which he hoped would shortly start its substantive work, should strive for consensus as a basis for further evolution in the implementation of the right. It would be of the utmost importance to discuss practical measures and share experience at the national and international levels and to involve the relevant United Nations agencies.

11. As gradually defined over the past decade, the right to development - which should be sustainable - was universal and inalienable. The human being was the central subject of development and the primary responsibility of the State was to eliminate obstacles to development. It thus had the duty of promoting and respecting the principles of full participation, non-discrimination and equitable distribution of the fruits of development. Special attention should be devoted to the vulnerable sectors of society. The international community should support such efforts through effective cooperation.

12. The right to development was interrelated with economic, social and cultural rights, as well as civil and political rights. The denial of any of those rights would therefore tend to deny the right to development itself. If the right to development was the right to a process that aimed at ensuring an environment in which substantive freedoms were enjoyed, all human rights should be respected. According to the approach developed by Mr. Amartya Sen, the Nobel prize winner for economics, economic growth was one means among many of realizing the right to development.

13. It was obvious that human rights stood at the heart of the implementation of the right to development. They were crucial as both means and end. It could thus not be argued therefore that the pursuit of development justified the neglect of civil and political rights or that the fulfilment of economic, social and cultural rights should precede or be a precondition for the defence of civil and political rights. Development should provide for the holistic needs of every human being rather than relate exclusively to material growth.

14. The importance of democracy and good governance took on all the more meaning when it was recalled that the State bore the main responsibility for creating conditions favourable to the right to development. The State should use the resources available not only in the most efficient way but also in the most equitable and sustainable way. Governments must therefore act in a transparent and accountable manner. That required allowing the democratic participation of citizens at all stages of decision-making.

15. The freedoms of expression, association and political participation were thus essential for the development process in at least three ways: they allowed the correct identification of people's needs; they worked as an "early-warning" system for serious deprivations of economic rights and they provided the conditions for good and transparent management of resources, which helped to prevent corruption.

16. Life expectancy, literacy levels and political freedom had been increasing, in absolute terms, for many years, while poverty levels - at least in relative terms - had fallen. The gains, had not been evenly distributed, however, and the populations of poor countries had in many cases become poorer. Although development could never be absolutely achieved, the main challenge was to fight extreme poverty in the places where it was widespread. Extreme poverty undermined human dignity and prevented the effective enjoyment of human rights. Cooperation by the international community was therefore required although, as the independent expert had acknowledged, better use of existing resources by Governments might be more effective than increasing the supply of resources. In its cooperation activity, the Union recognized the crucial role of good governance in ensuring long-term sustainable development, as spelled out in the new Convention between the Union and the African, Caribbean and Pacific (ACP) States.

17. The Union welcomed the recent developments in the strategies of international development, trade and financial institutions, and of government development agencies, to adjust them to the comprehensive concept of the right to development and to a rights-based approach to development. Such an approach, being more participatory, seemed better able to assess people's needs and ensure a more efficient use of resources. In that context, the Union welcomed the World Bank's recent adoption of a Comprehensive Development Framework.

18. A major challenge was to find solutions for the debt relief of heavily indebted poor countries. The Union therefore welcomed the modifications to the heavily indebted poor countries initiative, accelerating the assessment process and increasing the number of countries that could apply.

19. Globalization had the potential to provide a much higher volume of resources for development than was available from official development assistance (ODA). There had been a huge increase in international private and non-concessional capital flows to developing countries and ways must be found to ensure that the effect was a lasting one. Again, transparency and decentralized decision-making, with the full participation of the intended beneficiaries, were indispensable for attracting and maintaining foreign investment.

20. The mainstreaming of all human rights throughout the United Nations system, and most particularly of the right to development, had made remarkable progress. The High Commissioner for Human Rights had strengthened the ties of her Office with other

United Nations agencies, while the United Nations Development Group had adopted various guidelines which incorporated indicators of civil and political rights as well as economic and social indicators.

21. The Union welcomed the study by the independent expert on the right to development (E/CN.4/1999/WG.18/2) and agreed with his assessment that priority should be given to finding ways of appropriately implementing that right. It took note of his proposals, including that of a development compact, and hoped that he would continue to take into account the priorities defined by the World Summit for Social Development.

22. Mr. QIAO Zonghuai (China) welcomed the fact that, since the adoption of the Vienna Declaration and Programme of Action in 1993, the right to development had been recognized by the international community as a universal human right. It was both a collective and an individual right, since development was a mutually complementary process. The international community should attach equal importance to all development-related rights and adopt measures to guarantee them. Some developed countries, one-sidedly emphasized certain aspects of the right to development while denying others. Such an approach did more harm than good.

23. The primary responsibility of protecting and promoting human rights rested with Governments, which must take into account the characteristics of their own countries and adopt human rights measures in line with their actual needs. Different countries were at different stages of economic development. Even if their level of development was the same, they might adopt different paths because of varying political and social systems or cultural traditions. It was understandable that developing countries with a weak economy should give priority to achieving economic, social and cultural rights by tackling poverty.

24. Priority should be given to removing the obstacles to the realization of the right to development. Correct policies should be formulated at the national level, but there should also be a favourable international environment. Many developing countries risked being marginalized by the globalization trend. The developed countries should therefore demonstrate political will and help the developing ones. In particular, they should reverse the decline in ODA and reduce or cancel more foreign debt. The international community should also encourage developing countries to participate in the world economic decision-making process.

25. It was regrettable that, although two years had passed since the adoption of Commission resolution 1998/72, the working group had not yet met. All parties should demonstrate their sincerity in the consultations on the draft resolution on the right to development, so that it could be adopted by consensus.

26. Mr. CASTRO GRANDE (El Salvador) said his delegation was much concerned that the working group had not yet been able to begin its substantive work, which had been scheduled for the inter-sessional period. It was confident, however, that the recent election of the representative of Algeria as Chairman of the working group would help to get the work under way and make up for lost time.

27. In line with its commitment to promote and protect all human rights, his Government continued to support initiatives promoting the right to development. It was also in favour of

incorporating the Declaration on the Right to Development into the International Bill of Human Rights, on an equal footing with the International Covenants on Human Rights.

28. His delegation understood the right to development as the right of the individual to use the appropriate tools for the full development of his or her human potential, and also as the collective right of peoples to produce wealth, to grow, to develop and to have access to basic services. The responsibilities of Governments and of the international community were complementary in achieving sustainable human development.

29. Peace was the prerequisite for the effective enjoyment of all other human rights particularly the right to development. A culture of peace was not only vital to the furthering of social harmony, democracy, freedom and well-being, it was also essential to maintaining the dignity of the human person. Extreme poverty and violence posed the greatest threat to the right to development.

30. Mr. MOOSE (United States of America) said that development was the key to a stable, secure and prosperous world. The United States had been founded on belief in the inherent worth and dignity of every individual, a sentiment that was later to be incorporated into the International Bill of Human Rights and the Vienna Declaration.

31. His Government was committed to the concept of development, both at home and abroad, and to the well-established notion of international cooperation for development. There was broad consensus on certain basic truths such as the affirmation in the Vienna Declaration that the human person was the central subject of development. Indeed, a focus on the individual was essential to any successful strategy for promoting development. Viewed in that context, human development could not be measured in purely economic terms. As the High Commissioner for Human Rights had pointed out, a proper definition of the right to development was most likely to be found in the synthesis of all human rights.

32. There was also widespread agreement that it was the primary responsibility of Governments to act for the realization of the right to development and to promote conditions that would enable every member of society to realize his or her potential.

33. The Vienna Declaration also made it clear that the lack of development could not be invoked to justify the abridgement of internationally recognized human rights. Indeed, the freest nations tended to be the most prosperous, and Governments which cherished human rights and encouraged free markets and the rule of law reaped the benefit through the progress of their people.

34. States were also called upon to cooperate in ensuring development. His Government for its part, was proud of its long tradition of supporting the development aspirations of people throughout the world. For many years, the United States had been the largest contributor of international development assistance. It had also helped to create the vast system of international institutions devoted to development and had taken the initiative in proposing practical approaches to the pressing problems of international development.

35. The President of the United States had recently launched the most heavily indebted poor countries initiative (HIPC) which would save developing countries tens of billions of dollars in debt servicing costs, enabling them substantially to increase investments in health, education, infrastructure and the environment. Other Member States and the international financial institutions were urged to follow suit by offering expanded debt forgiveness programmes.

36. While ODA continued to be important, other factors weighed far more heavily in the development process. The phenomenal levels of growth that the world had witnessed in recent years - despite financial crises - reflected the central role of the private sector in responding to market opportunities. His Government thus attached great importance to ensuring the integration of all countries into the new global systems of trade and finance. Expanding trade and foreign direct investment (FDI) were clearly central to the creation of new jobs and economic opportunities and thus constituted an important means of achieving equity and stability.

37. With its low tariffs and open doors, the United States market was an important one for many developing countries: indeed, his country purchased about one-fifth of the world's imports. The strong support of his delegation for the World Trade Organization (WTO) was based on the conviction that, when countries played by the rules - whether with respect to trade or to human rights - everybody benefited. His Government thus looked forward to the entry of China into the WTO, and would also be encouraging the entry of other nations.

38. There was a direct and demonstrable relationship between individual liberty and economic progress. Indeed, it was the protection of individual liberties which unleashed a people's creative and entrepreneurial spirit. Governments had an overriding responsibility to their citizens, and genuine and sustainable development was fostered primarily by expanding individual human rights.

39. Mr. AKRAM (Pakistan) said that the greatest obstacles to the implementation of the right to development arose from the inequitable functioning of the international economic system. Despite concerns voiced by people in Seattle and elsewhere, it continued to be asserted that economic globalization offered limitless possibilities for countries to develop and prosper. There was no objective evidence to support that sweeping conclusion.

40. In actual fact, countries had been impeded in their development despite concerted efforts to integrate themselves into the global economy. Over the past three decades, the income disparity between the richest 20 per cent and the poorest 20 per cent of the world's people had more than doubled and some 1.6 billion people were economically worse off than they had been 15 years previously. The social impact of the financial crises in the Asian region had been devastating, with soaring suicide and divorce rates, increased abandonment of children and a rise in narcotic drug abuse. Recovery was painfully slow.

41. The right to development could not be realized in most developing countries without fundamental changes to the global economic framework. The problem of development was not solely, or even primarily, the result of inadequate domestic policies. Rather, the economic regression in the third world indicated that external factors were mostly to blame, the recent

financial crises having had the most severe impact on those countries which had been most successfully integrated into the global free market system. The Commission should therefore focus on removing the shortcomings in the international economic order.

42. The result of focusing on selected areas, such as the right to food, primary health care or education, would be to place the entire onus for development on the developing countries. Given their limited capacities, other developmental obligations and external vulnerabilities, such countries could hardly be expected to make significant progress. A focus on selected areas would also divert attention from measures for international cooperation, including those agreed upon at the various world summits, but as yet not fully implemented.

43. Rather than devising development indicators in arbitrarily chosen sectors, the international community should thus agree on indicators for achieving an enabling environment for development. Such indicators might include adequate financing for development, equitable global trading rules, fair access to knowledge and technology, fair treatment in the global economy and effective participation in international economic decision-making.

44. At the organizational level, preparations for discussions on the right to development should be improved, inter alia through the convening of workshops and discussion groups on issues to be addressed in working groups. Greater participation of the specialized agencies and economic institutions in the deliberations of those working groups should be encouraged. It was also important to ensure that independent experts and working group rapporteurs adhered strictly to their mandates. Finally, there was an urgent need to enhance the institutional capacity of the Office of the High Commissioner for Human Rights (OHCHR) by reallocating existing resources.

45. Mr. OYARCE (Chile), reaffirming the importance of the political consensus achieved in the Vienna Declaration and Plan of Action, said that preservation of the spirit of Vienna was an obligation upon States. His delegation was concerned that the right to development as an integral part of fundamental human rights might exacerbate divergent interpretations and erode the Vienna consensus. The challenge was to orientate recognition of the right to development as a legal category which presupposed a harmonious relationship between its national and international dimensions and prevent the concept from being perceived from a North-South standpoint that would give rise to a sterile political debate limiting what might be achieved.

46. The benefits of globalization did not always reach the ordinary citizen, whether in developed or developing countries: it caused uncertainty, insecurity and anxiety, and efforts should be made to adjust policies so that globalization did not have an adverse effect upon individuals.

47. The right to development should be understood holistically as bringing together both the development of the human being as an individual and the right of individuals and peoples to economic development.

48. His delegation had noted the first part of the study on the current state of progress in the implementation of the right to development submitted by the independent expert. In the next

stage of the study, it would be appropriate to incorporate the integrated approach which was being generated in the inter-agency dialogue and which was a new way of looking at development.

49. His delegation had given careful consideration to the report by the High Commissioner on implementation of the right to development (E/CN.4/2000/20) and had a few comments to make. OHCHR should share with other agencies and institutions of the United Nations system the Comprehensive Development Framework established by the World Bank. It might also evaluate, from the standpoint of the right to development, an approach being considered in the United Nations Conference on Trade and Development (UNCTAD) regarding a combination of the processes of conversion of foreign debt and reduction of child labour. Thirdly, OHCHR should consider the possibility of implementing the right to development by identifying the decisive factors in each country that could assist such implementation and developing an integrated vision embracing both the developed and developing countries as the only way in which the right to development could be integrated into national strategies and at the international level.

50. Mr. SANDOVAL BERNAL (Colombia) said that the right to development must be the joint concern of States and the international community. The economic, commercial and technological inequalities that were impeding the advancement of the developing countries increased the already great distance between the centre and the periphery, with serious consequences for international stability and security. The creation of a favourable economic environment was essential if tensions were to decrease and the opportunities for world peace increase. Such growing threats as transnational crime and terrorism and environmental degradation were, to a large extent, caused by the serious inequalities currently prevailing.

51. Globalization was irreversible. That fact must be recognized and the necessary corrective measures adopted. While globalization was advancing rapidly, opportunities for participation in the global economy, technology and government were not developing at the same rate. Powerful economic centres were demanding a free market while pursuing protectionist policies, thereby widening the gap between the first and third worlds. Peace, security and democracy would be fragile if a large part of the world's population was beset by dire poverty, malnutrition, illiteracy, hunger and disease.

52. The information revolution, encouraged by globalization, offered immense possibilities for progress, but had also erected a barrier between those having access to its benefits and the great majority that did not. The right to development included increased access to new technology and scientific and cultural advances. It must be the aim of all peoples to spread the benefits of material and intellectual progress through the exercise of the right to development. There were no winners or losers when it came to development: it was the common concern of the whole international community and on it depended global peace and security.

53. Mr. DIAZ (Mexico) said that the Declaration on the Right to Development recognized international cooperation as indispensable for the exercise of that right. The development efforts of many countries were severely hampered by the inequalities of the international economic

system, while instruments designed to promote development had not produced results: indeed, the number of persons living in extreme poverty had increased. National and international mechanisms for the removal of obstacles to development must be urgently activated.

54. One of the principal obstacles to development was the gap between the most pressing economic and social needs of States and the international agenda. Developing countries must play a larger and more effective part in the international economic decision-making process if that gap was to be closed. His delegation was thus in favour of a wide round of multilateral trade negotiations in the WTO designed to consolidate an open system of multilateral trade that would incorporate the development needs of all countries.

55. A new system of international finance incorporating the concept of the right to development must be introduced. His delegation had proposed that a mechanism should be created to give early warning of and increase capacities for responding to international financial crises that were capable of wiping out years of work. Globalization carried huge risks but also opened new doors to development. The global economy must be built on sustainable bases that marginalized no country and contributed to the eradication of extreme poverty.

56. His delegation was confident that the dialogue established by the High Commissioner for Human Rights with various international institutions would encourage them to pay increased attention to the right to development and reflect that concept in their international economic policies. It was convinced that the right of all nations to development could be achieved only as a result of a joint commitment at the domestic State level and in the international sphere.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF FINLAND

57. Mr. TUOMIOJA (Finland) said that the International Bill of Human Rights had merely codified the existing shared values of all peoples, which were articulated in a variety of ethical and religious traditions. The time had long passed since Governments could unilaterally waive respect for those human rights and fundamental freedoms. The growing number of ratifications of human rights instruments indicated wide support for further international monitoring.

58. Much remained to be done to improve global implementation of human rights, both in the case of Governments acting in clear disregard of international concerns and of those acting in good faith but lacking both resources and a significant civil society. Some States had discovered that, by making their accountability subject to binding decisions by regional courts, they were able to improve their human rights record.

59. All Governments should cooperate fully with special rapporteurs and working groups and respect the Commission's procedures and mechanisms, which continued to do a very good job despite limited resources and mandates. His Government welcomed the efforts of the intergovernmental working group to enhance the effectiveness and independence of the Commission's mechanisms, but looked forward to more ambitious reforms in the future. Indeed, the Commission could do much more to monitor and encourage the realization of human rights and to help prevent violations.

60. The primary responsibility for the realization of human rights obligations rested with Governments which should ensure that the administration of justice met the required standards and create the appropriate independent institutions at the national level.

61. Human rights violations in Chechnya were a source of deep concern and the suffering inflicted on the civilian population was unacceptable. Full and immediate investigations should be conducted into alleged violations of human rights and humanitarian law there, in order that those responsible might be brought to justice. To that end, full cooperation with international and regional human rights mechanisms was essential. His delegation trusted, moreover, that the High Commissioner for Human Rights would visit Chechnya at the earliest opportunity. Unhindered access to aid agencies must be secured, with a view to averting further suffering. Furthermore, the future compliance of the Russian Federation with its obligations under international human rights instruments must be ensured.

62. The involvement of civil society and committed individuals was crucial if States were to fulfil their responsibilities in the human rights field. Governments should thus view human rights defenders as partners in a common effort to improve the human rights situation in their countries. Mechanisms must be devised to ensure the protection of such defenders and the Secretary-General should be requested to appoint a special representative on human rights defenders.

63. The increasingly free movement of finance, as well as international corporate mergers, posed a challenge to Governments attempting to maintain control over social policies and to meet labour and human rights standards. Civil society, by networking internationally, had, however, managed to put pressure on corporations to account to consumers for their performance in maintaining environmental and other standards. Governments must respond to such increasingly global phenomena by improving international cooperation and their interaction with civil society.

64. The continuing unequal status of women was nothing less than a fundamental distortion of human rights. None of the traditional, cultural or religious "justifications" for upholding gender discrimination were acceptable. Women did not constitute a vulnerable group, they were fully capable members of society provided that their status was not compromised by discriminatory laws or practices which prevented the full exercise of their rights.

65. The use of the death penalty was a serious human rights problem, which jeopardized, inter alia, the right to life and the right to freedom from inhuman and degrading punishment. Since the penalty could never be applied in a manner compatible with human dignity, it should be opposed in all its forms and ultimately abolished. The death penalty was disproportionately imposed on disadvantaged minorities and poorer persons and societies which were determined to reduce social inequalities appeared more ready to reject that degrading custom than those which were indifferent towards social exclusion and poverty.

66. Modern prosperity and peace depended on society's ability to accommodate differences and promote tolerance. Indeed, countries which had learned to benefit from a wide range of

traditions seemed to be the most prosperous, both culturally and economically. Societies based on intolerance not only placed a heavy burden on their own people, but were potentially dangerous to their neighbours.

67. The forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance afforded the international community an opportunity of developing its understanding of the implications of racism as a human rights issue. The participation of non-governmental organizations (NGOs) in the World Conference was indispensable, since a voice must be given to the victims of racism.

68. In Europe, racism continued to pose a serious challenge. Migrant communities and persons belonging to national minorities typically faced problems in the labour market and were subject to social exclusion. His own Government sought to ensure the participation of minorities in decisions affecting them. Positive experience of the cultural autonomy of the Sami indigenous people of Finnish Lapland and of long-standing cooperation with the Roma minority had shown that it was possible to combat exclusion from society and to reduce the potential for racism by safeguarding minority rights.

69. Given that the rights of indigenous peoples, including their linguistic and cultural rights, continued to be at risk in many parts of the world, his Government warmly welcomed the progress achieved towards the establishment of a permanent forum for indigenous people under the Economic and Social Council. Such a forum was essential for safeguarding the effective participation of indigenous peoples and must have a broad enough mandate to enable it to promote indigenous rights within the United Nations system as a whole. It was to be hoped that the Commission would produce concrete recommendations to that effect.

70. Given that refugee flows often resulted from violations of human rights directed at minorities, refugee and asylum-seeking issues must be viewed both in the context of respecting human rights and of preventing discrimination.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF SPAIN

71. Mr. MATUTES JUAN (Spain) said that, although Spain had not been a member of the Commission since 1990, it had never failed to be represented in the forum, and had continued to extend its commitment to human rights through the ratification and implementation of the relevant international instruments and through its active participation in peace processes. Spain was also stepping up its efforts to alleviate the refugee problem.

72. His country's commitment to the promotion and protection of human rights must be viewed in the context of action by the European Union. The common values of the member States of the Union were embodied in the Treaty of Amsterdam and included democracy and respect for human rights. He thus fully endorsed the statement by the representative of Portugal on behalf of the European Union.

73. The international community's concern regarding the promotion and protection of all human rights and fundamental freedoms was absolutely legitimate, and the Commission was the forum in which any deficiency in that area, and any effort to remedy it, could be the subject of

study and discussion irrespective of the situation and location concerned. Bilateral cooperation and dialogue could also be very useful, but cooperation by all countries in the promotion of and respect for human rights was still a distant goal.

74. Despite the steady expansion of democracy, there were still far too many examples of places where the law was designed to ensure the survival of a specific political regime rather than being the emanation of the people's will, and that was the prime cause of a lack of respect for human rights. The spread of armed conflict also gave rise to many violations of human rights and humanitarian law.

75. His Government attached special importance to regional cooperation mechanisms as the most appropriate framework for the settlement of disputes and the promotion and guarantee of human rights. It also viewed with interest the evolution of domestic political processes in some countries which held out promise in terms of respect for human rights. The Islamic Republic of Iran was a case in point.

76. Regarding the right to life as something which could not be renounced, Spanish society had openly opposed the death penalty and his Government had been steadfast in supporting efforts to achieve the universal abolition of capital punishment and, in the interim, the application of a moratorium on its execution.

77. While offering many opportunities, globalization also exacerbated harmful phenomena such as racism, xenophobia and intolerance. His Government would always remain on its guard against such phenomena, and was fully prepared to collaborate with the international community in their eradication. He wished, therefore, to express its support for the holding of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in South Africa in 2001.

78. It was vitally important, in his Government's view, to establish a mechanism that would enable the Declaration on human rights defenders to become effective, and to send a message of support to NGOs and individuals working for the promotion and protection of human rights.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF DENMARK

79. Mr. HELVEG PETERSEN (Denmark), having mentioned that he fully subscribed to the statement by the representative of Portugal on behalf of the European Union, said that his Government hoped that the Commission would transmit the draft optional protocols to the Convention on the Rights of the Child on the involvement of children in armed conflicts and on sale of children, child prostitution and child pornography for speedy adoption by the General Assembly. Both texts represented advances in protecting the rights of the child, although the former was not, in his delegation's view, perfect.

80. There had also been significant progress towards the establishment of a permanent forum within the United Nations for indigenous peoples: the time had come for action, and his delegation was prepared to submit a draft resolution on the subject to the Commission at its current session. The adoption of a declaration on the rights of indigenous peoples would also be proof of a determination to deal seriously with the problems facing those peoples.

81. There was no more shameful violation of human rights and human dignity than torture, which not only hurt the victims but also degraded those who perpetrated, condoned or tolerated it. Unfortunately, it was not sufficient to outlaw torture: the international community needed to make further efforts to prevent it, to facilitate the investigation of allegations of torture, to ensure that torturers were brought to justice, and to facilitate the rehabilitation of victims. The adoption of an optional protocol on a global inspection system based on the principle of missions without prior consent was thus a matter of urgency. His delegation was prepared to take the lead at the current session in submitting a draft resolution on the subject.

82. The Commission should take a firm stand on the abolition of the death penalty. It was also high time that it adopted an effective mechanism to ensure oversight by the international community of the protection of human rights defenders, who were strong and indispensable, but also vulnerable.

83. He shared the High Commissioner's view that the collective capacity for conflict prevention must be developed and the gap between early warning and response bridged. He also shared her concern regarding the situations in Kosovo, Sierra Leone and Chechnya. The fact that the Russian Federation had invited the High Commissioner to visit Chechnya was welcome, and was to be seen as a willingness to enter into dialogue on the protection of human rights in the region.

84. His Government found that it was usually more effective to deal with human rights problems in a constructive bilateral and multilateral dialogue with other countries, but for such a dialogue to be effective there had to be a genuine willingness to conduct it, a willingness and ability to solve human rights problems, and the possibility of conducting the dialogue not only at Government-to-Government level but also with civil society and the political opposition. Some situations, however, had to be addressed in a multilateral context: the credibility of the international community often required that the Commission on Human Rights take a stand to ensure that human rights were applied in the interest of every human being.

85. Denmark gave very high priority in its development assistance to supporting specific measures to improve the promotion and protection of human rights and to facilitate democratization. Its development assistance represented 1 per cent of its gross national product (GNP).

86. With increasing international mobility, racial and ethnic discrimination was becoming an increasingly serious problem and the preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance provided a very useful context for intensifying efforts to deal with it.

87. Unfortunately, there were rogue States that engaged in or tolerated massive and systematic human rights violations. The international community could not stand idly by when States were beyond the reach of reason and dialogue. In the past 50 years, the international community had developed an impressive body of human rights law but what was still lacking was the effective implementation of those rules by the existing international machinery, in the very last resort through the use of force. The international community should rely on the Security Council to authorize humanitarian intervention. If the Security Council was blocked,

humanitarian intervention might be considered only in extreme cases, only as an "emergency exit" from the norms of international law, and only if clearly justified by political and moral considerations in the case concerned.

88. The Security Council must do its utmost to live up to its primary responsibility for the maintenance of peace, security and humanitarian decency and, if the Member States failed to ensure that the Security Council functioned effectively, its influence would be diminished. That could not be in the interests of the international community. To that end, he had suggested at the last session of the General Assembly that a procedural rule be established whereby a permanent member of the Security Council would be obliged to explain why it had decided to exercise its right of veto in a given case. Such a rule would impede the use of the veto for the purpose of national interests, and might result in the veto being used more responsibly and with more discipline for the benefit of the international community as a whole.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF ALBANIA

89. Mr. MILO (Albania) said that, in passing from the phase of emergency to that of long-term development, Albania had been making perceptible progress in implementing human rights by establishing the rule of law, consolidating democratic institutions and improving the standards that regulated relations between individuals and the State. Albania had approved a Constitution, abrogated the death penalty and introduced the institution of ombudsman; it had also ratified most United Nations human rights conventions, and had recently begun work on its reports to the respective committees.

90. The Constitution of Albania gave prominence to fundamental principles for the implementation and protection of human rights, and, in that connection, paid particular attention to the fight against poverty and social and employment policies. His Government had approved a number of projects and programmes, which would be implemented with the direct assistance of organizations such as the International Monetary Fund (IMF), the World Bank and the European Bank for Reconstruction and Development (EBRD).

91. Like other countries in its region, Albania had become involved in the Stability Pact, which devoted particular attention to democratization and human rights. Without the consolidation of democracy and respect for human rights in all the countries of the region, there could be no stable economic progress and security. Albania's development was closely linked to the balanced development of the region as a whole, and especially to the situation in Kosovo.

92. Kosovo had made progress in respect of the implementation of Security Council resolution 1244 (1999), and serious efforts had been made to normalize the situation, rebuild economic life, prepare the infrastructure for future elections and minimize the effects of ethnic hatred between Albanians and Serbs. However, the situation there was still far from normal: some 200,000 Albanians were homeless, and there was extreme poverty, especially in rural areas which had received no economic assistance despite earlier promises.

93. The right to development continued to be jeopardized by the ethnic conflicts which were still undermining the process of normalization and stabilization in Kosovo. While much had been done to reduce ethnic tension, no time must be lost in solving outstanding problems if the

goal of coexistence in a multiethnic society was to be achieved. All Kosovar political prisoners held in Serbia must be released and the many persons who had disappeared during the conflict must be located. He therefore fully supported the decision of the United Nations representative in Kosovo to appoint a special United Nations representative to deal with the question of persons who had disappeared and the Albanians still detained in Serb prisons. It was of equal importance to bring to justice all those responsible for the Kosovo tragedy.

94. The normalization of ethnic relations remained a primary condition for the building of an open and democratic society. Recent episodes of ethnic violence therefore represented a step backwards. Mitrovica continued to remain the touchstone for the viability of Security Council resolution 1244 (1999) and the effectiveness of international civil and military involvement in Kosovo. President Milosevic used Mitrovica to organize unrest and increase tension: he was not interested in implementing resolution 1244 (1999). The ethnic Albanians must exercise self-restraint and cooperate closely with KFOR and the United Nations Interim Administration in Kosovo (UNMIK).

95. Albania was committed to the full implementation of resolution 1244 (1999) and condemned any attempt by extremist forces to provoke new conflict. His Government believed that the spirit of understanding and cooperation that had been demonstrated in the recent positive developments in Presheve, Bujanovc and Medvegja showed that the ethnic Albanians were ready to act for the protection of their rights and freedoms. It would continue to support the endeavours of the international community to find real solutions to the problems in Kosovo and other parts of the former Yugoslavia, and called upon the international community to take the measures necessary to avoid a new conflict in the region.

96. Albania had a natural right to play an active role in Kosovo, and the Serb propaganda regarding a "greater Albania" bore no relationship to reality. The future of all Albanians lay in a greater Europe rather than in a greater Kosovo or a greater Albania.

STATEMENT BY THE MEMBER OF THE EUROPEAN COMMISSION WITH RESPONSIBILITY FOR EXTERNAL RELATIONS

97. Mr. PATTEN (European Commission) said that he wished to associate himself with the statement made by the representative of the European Union. He himself had the honour to be the first Union Commissioner with responsibility for human rights issues. He was currently preparing a fresh human rights strategy for the Union and new proposals for European Commission funding for the promotion of human rights worldwide.

98. There were historical, legal and moral reasons for the interest of the European Commission in human rights. The human rights abuses witnessed in the first half of the twentieth century had played a part in the formation of the European Union. What had begun as an economic alliance had matured into a political partnership. The Union had recognized the continued need to act in order to promote respect for human rights by writing such rights into its own treaties and its agreements with third countries. It thus had a legal and moral obligation to promote human rights both at home and abroad.

99. The worrying rise in racism, xenophobia and intolerance within the borders of the Union and, in some countries, within political establishments, bore witness to the fact that Europe's experience was far from perfect. The Union was therefore actively involved in the preparations for the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Commission was providing financial support to NGOs involved in the European preparatory process. He was also pleased to announce that the European Commission would make a significant contribution to OHCHR in respect of the World Conference.

100. The Union's recognition of the need to deal with racism within its own borders was evidence of its belief that respect for human rights must be universally applicable. The right to freedom of speech did not stop at certain borders. Freedom of assembly and the ability to hold the Government accountable for its acts were appropriate for all countries, regardless of their history.

101. Europe's attempts to create a common foreign and security policy reflected common values and political and economic interests. He was a staunch supporter of the United Nations High Commissioner for Human Rights and hoped to strengthen the dialogue and links between their two organizations. A joint initiative to develop a common approach to training human rights monitors was being pursued and a successful pilot training course had already been held. It was intended that the European Commission should fund some of the other projects in the 2000 appeal, and he would be working closely with OHCHR to identify such projects.

102. Much of the money allocated to the European Initiative for Democracy and Human Rights rightly went to NGOs. He wished to pay tribute to the work of the many NGO defenders of human rights throughout the world, and strongly encouraged implementation of the Declaration on human rights defenders. He also wished to pay tribute to those NGOs without whose whistle-blowing the international community might sometimes be tempted to turn a blind eye to abuses.

103. It was, however, Governments which had the primary responsibility for carrying through their commitment to human rights and which were the principal actors at the Commissions sessions. It was for the 15 European Union Governments to decide whether or not the Union could agree on a united view of the human rights record of an individual country.

104. Debating human rights in the abstract could never excuse inaction on the ground. Dialogue could not substitute for deeds, and signing conventions was not the same as ratifying and applying them. A signature must be an expression of an unambiguous intent to implement a convention fully as soon as possible, and to respect its spirit immediately. It must certainly not be a tool for diplomatic delay. Dialogue could be a legitimate alternative to one-sided criticism, but it must show results to be accepted as a valid alternative.

105. It was neither morally acceptable nor economically wise to believe that closing one's eyes to abuses opened up opportunities for trade. There was a definite link between the interests of investors and exporters and the rights of the citizens of the country with which they traded. Both sides benefited from respect for the rule of law, free speech and accountable and participative government.

106. The Internet had proved an invaluable tool for exposing human rights abuses, reaching out to victims of such abuse and marshalling public opinion. It was not, of course, available to all, nor was all the information on it equally reliable and valuable. It could also be a tool of abuse, as the numerous Web sites set up by hate groups, revisionists and racist organizations in the United States of America demonstrated. While such abuses needed to be addressed, he believed that, overall, the Internet promoted pluralism and dialogue.

107. Governments did not have the monopoly on bad behaviour. Terrorism was a human rights abuse, and the Union condemned it in all its forms. However, the fight against terrorism could not be an excuse for tolerating abuse of the human rights of the wider population.

108. It was always better to search for a political solution to any situation, since such a solution was likely to be more enduring and respectful of human rights than a military approach. Above all, humanitarian law must always be observed during a conflict. The argument as to whether foreign policy should be ethical or simply carried out in pursuit of national interests was an absurd one, since a policy which at least attempted to take account of ethical notions would always serve the national interest most effectively.

The meeting rose at 1 p.m.